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Washington, Tuesday, June 26, 1951

TITLE 3—THE PRESIDENT
EXECUTIVE ORDER 10256

AMENDMENT OF PARAGRAPH 126c OF THE MANUAL FOR COURTS-MARTIAL, UNITED STATES, 1951

By virtue of the authority vested in me by the Uniform Code of Military Justice (established by the act of May 5, 1950, 64 Stat. 107), and as President of the United States, it is ordered that the second sentence of paragraph 126c of the Manual for Courts-Martial, United States, 1951 (prescribed by Executive Order No. 10214 of February 8, 1951), be, and it is hereby, amended to read as follows:

"Unless otherwise prescribed in regulations promulgated by the Secretary of the Department concerned, in the case of an enlisted person of other than the lowest pay grade, a sentence which, as ordered executed or as finally approved and suspended, includes (1) dishonorable or bad conduct discharge, whether or not suspended, (2) confinement, or (3) hard labor without confinement, immediately, upon being ordered executed or upon being finally approved and suspended, shall reduce such enlisted person to the lowest enlisted pay grade; provided, that the rate of pay of the person so reduced shall be commensurate with his cumulative service."

HARRY S. TRUMAN

THE WHITE HOUSE,
June 23, 1951.

[F. R. Doc. 51-7366; Filed, June 25, 1951;
10:27 a. m.]

EXECUTIVE ORDER 10257

AMENDMENT OF EXECUTIVE ORDER NO. 7397 OF JUNE 20, 1936, AS AMENDED, ESTABLISHING THE FEDERAL FIRE COUNCIL

By virtue of and pursuant to the authority vested in me as President of the United States, and in consonance with the provisions of the Federal Property and Administrative Services Act of 1949, approved June 30, 1949 (63 Stat. 377), it is ordered that paragraphs 1 and 2 of Executive Order No. 7397 of June 20, 1936, entitled "Establishing the Federal Fire Council as an Advisory Agency in Matters Relating to the Protection of Federal Employees and Property from

Fire," as amended by Executive Orders No. 8194 of July 6, 1939, and No. 9594 of July 28, 1945, be, and they are hereby, amended to read as follows:

"1. The Federal Fire Council, hereinafter referred to as the Council, is hereby established in the General Services Administration, as an official advisory agency in matters relating to the protection of Federal employees and property from fire. The functions of the Council shall be performed under the direction and supervision of the Administrator of General Services.

"2. The Council shall have a governing body composed of the Commissioner of Public Buildings, who shall serve as Chairman; the Archivist of the United States; the Assistant Postmaster General in charge of the Bureau of Facilities; the Chief of Engineers, United States Army; the Chief of the Bureau of Yards and Docks, United States Navy; the Director of Installations, Office of the Deputy Chief of Staff, Matériel, Headquarters, United States Air Force; the Director of the National Park Service; and the Director of the National Bureau of Standards. The Chairman shall appoint such other officers and committees as he may deem necessary to carry out the functions of the Council."

The said Executive Orders No. 8194 and No. 9594 are hereby revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 23, 1951.

[F. R. Doc. 51-7367; Filed, June 25, 1951;
10:27 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 55—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE, AND EGGS

FORM OF APPLICATION AND CONTRACT OF AGREEMENT FOR GRADING SERVICE WITH RESPECT TO SHELL EGGS

On May 18, 1951, a notice of proposed rule making was published in the FEDERAL REGISTER (16 F. R. 4660) regarding the

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approval of a form of application and contract for grading service on a contract basis. This application form specifies the conditions under which service will be performed (including the extent of the financial obligations to be assumed by the applicant) in accordance with the applicable regulations (7 CFR Part 55) of the Department, which are currently operative pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved Sept. 6, 1950).

Whenever any person desires grading service to be rendered by the Administration at any plant for class, quality, quantity, or condition of shell eggs, pursuant to the regulations, he may apply for such service by submitting, to the Administration, a properly completed application, in triplicate, in the form herein set forth. Upon approval of the application by the Administration, it will become the agreement providing for grading service at such plant. The fee and charges for the grading service are so calculated as to be reasonable, as nearly as may be to cover the cost of the service rendered, and to provide the revenue necessary for the conduct of the service on an equitable basis.

After consideration of all relevant matters presented, including the proposals set forth in the said notice, it is hereby ordered that the following form of application and agreement shall become effective at the time hereinafter specified:

§ 55.104 Application for grading service with respect to shell eggs.

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 55) governing the sampling, grading, grade labeling, and supervision of packaging of eggs and egg products, for grading service to be performed at the plant hereinafter designated:

Name of plant _____
Street address _____
City and State _____

(a) Upon approval of this application by the Production and Marketing Administration, United States Department of Agricul-

ture (hereinafter referred to as "PMA"), PMA will furnish grading service in accordance with the terms and conditions hereof.

(b) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including such applicable instructions as may be issued from time to time by the Administrator), and such other conditions as hereinafter enumerated.

(c) The applicant agrees to pay for the full cost of the grading service covered hereby to PMA at the time the respective invoices are rendered by PMA. The full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoice or invoices covering the period or periods during which the grading service may be rendered:

(i) A charge for each plant survey to be computed on the basis (a) of the actual cost to the Administration of the travel and per diem incurred in the making of the survey, and (b) a charge of \$3.60 per hour for the time consumed in making the survey;

(ii) An inauguration charge of \$50.00 to cover costs incurred by PMA in connection with the inauguration of the grading service and assignment of a grader to the designated plant;

(iii) A charge of \$25.00 for each additional grader or replacement of a previously assigned grader to the designated plant: *Provided*, That, no charge under this subdivision (iii) is to be made for temporary relief graders for regular graders or for the replacement of a grader who is a Federal employee when the replacement is made by PMA other than at the request of the applicant;

(iv) A charge equal to the salary costs paid to each grader assigned to applicant's plant by PMA, including earned annual leave and, if necessary, earned sick leave: *Provided*, That, no charge is to be made for salary costs for any assigned grader of the designated plant while temporarily reassigned by PMA to perform a grading service for other than the applicant;

(v) A charge equal to the salary costs, travel expenses and per diem paid by PMA to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(vi) A charge for the actual cost to PMA of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(vii) A charge, at the sole discretion of PMA, of an amount not in excess of the actual cost to PMA of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant;

(viii) A charge included in salary costs equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System; and

(ix) An administrative service charge based upon the aggregate number of thirty-dozen cases of shell eggs handled in the plant per month, and computed in accordance with the following table:

Computation of administrative service charges:	
0 to 750 cases	\$25.00
750 to 1,250 cases	27.50
1,250 to 1,750 cases	30.00
1,750 to 2,250 cases	32.50
2,250 to 2,750 cases	35.00
2,750 to 3,250 cases	37.50
3,250 to 3,750 cases	40.00
3,750 to 4,250 cases	42.50
4,250 to 5,000 cases	45.00
5,000 to 6,000 cases	47.50
6,000 to 8,000 cases	50.00
8,000 or more cases	55.00

(d) The applicant shall designate, in writing, the employees of the applicant who will

be required and authorized, to furnish each grader with such information as may be necessary for the performance of the grading service.

It is agreed that:

(a) PMA will provide an adequate number of graders to perform the grading service covered hereby;

(b) At the sole discretion of PMA the graders may be either a Federal or State employee or a licensed employee of the applicant;

(c) PMA shall not be responsible for damages accruing through any acts of commission or omission on the part of any grader;

(d) The provisions hereof shall continue in full force and effect from its effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and PMA; (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of the giving of such notice; (iii) one (1) day's written notice by PMA to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided; or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (e);

(e) The services to be rendered hereunder shall be terminated by PMA at any time PMA, acting pursuant to any applicable laws, rules, or regulations, debar the applicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time PMA concludes that the applicant has not conformed, or cannot conform, hereto;

(f) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions;

(g) A federally employed grader will be required to confine his activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by PMA: *Provided*, That, in no instance will the federally employed grader assume the duties of management;

(h) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom unless derived through the agreement made with a corporation for its general benefit.

(Applicant)
By -----

(Street)

(City) (State)

(Date)

Approved:
By -----

(Title)

(Date)

Production and Marketing
Administration, U. S.
Department of Agriculture.

Unless otherwise indicated herein the bills will be rendered to the applicant at the address indicated above.

The effective time of the form of application and contract of agreement contained herein will be August 1, 1951, after publication in the FEDERAL REGISTER.

All applications for service with respect to grading of shell eggs now in effect shall be terminated on July 31, 1951, and may be replaced with an application of the form as indicated herein.

(Sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 20th day of June 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Pro-
duction and Marketing Ad-
ministration.

[F. R. Doc. 51-7275; Filed, June 25, 1951;
9:00 a. m.]

PART 55—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE, AND EGGS

FORM OF APPLICATION AND CONTRACT OF AGREEMENT FOR GRADING SERVICE WITH RESPECT TO EGG PRODUCTS

On May 18, 1951, a notice of proposed rule making was published in the FEDERAL REGISTER (16 F. R. 4660) regarding the approval of a form of application and contract for grading service on a contract basis. This application form specifies the conditions under which service will be performed (including the extent of the financial obligations to be assumed by the applicant) in accordance with the applicable regulations (7 CFR Part 55) of the Department, which are currently operative pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved Sept. 6, 1950).

Whenever any person desires grading service to be rendered by the Administration at any plant for class, quality, quantity, or condition of egg products, pursuant to the regulations, he may apply for such service by submitting, to the Administration, a properly completed application, in triplicate, in the form herein set forth. Upon approval of the application by the Administration, it will become the agreement providing for grading service at such plant. The fee and charges for the grading service are so calculated as to be reasonable, as nearly as may be to cover the cost of the service rendered, and to provide the revenue necessary for the conduct of the service on an equitable basis.

After consideration of all relevant matters presented, including the proposals set forth in the said notice, it is hereby ordered that the following form of application and agreement shall become effective at the time hereinafter specified:

§ 55.105 Application for grading service with respect to egg products.

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 55) governing the sampling, grading, grade labeling, and supervision of packaging of eggs and egg products, for grading service to be performed at the plant hereinafter designated:

Name of plant -----
Street address -----
City and State -----

(a) Upon approval of this application by the Production and Marketing Administration, United States Department of Agriculture

(hereinafter referred to as "PMA"), PMA will furnish grading service in accordance with the terms and conditions hereof.

(b) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including such applicable instructions as may be issued from time to time by the Administrator), and such other conditions as hereinafter enumerated.

(c) The applicant agrees to pay for the full cost of the grading service covered hereby to PMA at the time the respective invoices are rendered by PMA. The full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoice or invoices covering the period or periods during which the grading service may be rendered:

(i) A charge for each survey to be computed on the basis (a) of the actual cost to the Administration of the travel and per diem incurred in the making of the survey, and (b) a charge of \$3.60 per hour for the time consumed in making the survey;

(ii) An inauguration charge of \$50.00 to cover costs incurred by PMA in connection with the inauguration of the grading service and assignment of a grader to the designated plant;

(iii) A charge of \$25.00 for each additional grader or replacement of a previously assigned grader to the designated plant: *Provided*, That no charge under this subdivision (iii) is to be made for temporary relief graders for regular graders or for the replacement of a grader who is a Federal employee when the replacement is made by PMA other than at the request of the applicant;

(iv) A charge equal to the salary costs paid to each grader assigned to applicant's plant by PMA, including earned annual leave and, if necessary, earned sick leave: *Provided*, That, no charge is to be made for salary costs for any assigned grader of the designated plant while temporarily reassigned by PMA to perform a grading service for other than the applicant;

(v) A charge equal to the salary costs, travel expenses and per diem paid by PMA to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(vi) A charge for the actual cost to PMA of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(vii) A charge, at the sole discretion of PMA, of an amount not in excess of the actual cost to PMA of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant;

(viii) A charge included in salary costs equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System; and

(ix) An administrative service charge based upon the aggregate weight of the total monthly volume (based on the weight of liquid egg and weight of dried egg converted to liquid egg) of all egg products handled in the plant, and computed in accordance with the following table:

Computation of administrative service charges:	
0 to 20,000 pounds.....	\$25.00
20,000 to 100,000 pounds.....	30.00
100,000 to 150,000 pounds.....	35.00
150,000 to 200,000 pounds.....	40.00
200,000 to 300,000 pounds.....	45.00
300,000 to 400,000 pounds.....	50.00
400,000 to 600,000 pounds.....	55.00
600,000 to 800,000 pounds.....	60.00
800,000 to 1,000,000 pounds.....	65.00
1,000,000 to 1,500,000 pounds.....	70.00
1,500,000 pounds or more.....	75.00

(d) The applicant shall designate, in writing, the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

It is agreed that:

(a) PMA will provide an adequate number of graders to perform the grading service covered hereby;

(b) At the sole discretion of PMA the graders may be either a Federal or State employee or a licensed employee of the applicant;

(c) PMA shall not be responsible for damages accruing through any acts of commission or omission on the part of any grader;

(d) The provisions hereof shall continue in full force and effect from its effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and PMA; (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of the giving of such notice; (iii) one (1) day's written notice by PMA to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided; or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (e);

(e) The service to be rendered hereunder shall be terminated by PMA at any time PMA, acting pursuant to any applicable laws, rules, or regulations, debar the applicant from receiving any further benefits of service, or the services hereunder may be suspended or terminated at any time PMA concludes that the applicant has not conformed, or cannot conform, hereto;

(f) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions;

(g) A federally employed grader will be required to confine his activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by PMA: *Provided*, That, in no instance will the federally employed grader assume the duties of management;

(h) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefits that may arise therefrom unless derived through the agreement made with a corporation for its general benefit.

By _____
(Applicant)

(Street)

(City) (State)

(Date)

Approved:

By _____
(Title)

(Date)

Production and Marketing
Administration, U. S.
Department of Agriculture.

Unless otherwise indicated herein the bills will be rendered to the applicant at the address indicated above.

The effective time of the form of application and contract of agreement contained herein will be August 1, 1951, after publication in the FEDERAL REGISTER.

All applications for service with respect to grading of egg products now in effect shall be terminated on July 31, 1951, and may be replaced with an application of the form as indicated herein.

(Sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 20th day of June 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator,
Production and Marketing Administration.

[F. R. Doc. 51-7276; Filed, June 25, 1951;
9:00 a. m.]

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

SUBPART C—FORMS AND INSTRUCTIONS

FORM OF APPLICATION AND CONTRACT OF AGREEMENT FOR GRADING SERVICE WITH RESPECT TO LIVE POULTRY, DRESSED POULTRY AND READY-TO-COOK POULTRY

On May 18, 1951, a notice of proposed rule making was published in the FEDERAL REGISTER (16 F. R. 4661) regarding the approval of a form of application and contract for grading service on a contract basis. This application form specifies the conditions under which service will be performed (including the extent of the financial obligations to be assumed by the applicant) in accordance with the applicable regulations (7 CFR Part 70) of the Department, which are currently operative pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950).

Whenever any person desires grading service to be rendered by the Administration at any plant for class, quality, quantity, or condition of live poultry, dressed poultry, and ready-to-cook poultry, pursuant to the regulations, he may apply for such service by submitting, to the Administration, a properly completed application, in triplicate, in the form herein set forth. Upon approval of the application by the Administration, it will become the agreement providing for grading service at such plant. The fee and charges for the grading service are so calculated as to be reasonable, as nearly as may be to cover the cost of the service rendered, and to provide the revenue necessary for the conduct of the service on an equitable basis.

After consideration of all relevant matters presented, including the proposals set forth in the said notice, it is hereby ordered that the following form of application and agreement shall become effective at the time hereinafter specified:

§ 70.203 Application for grading service with respect to live poultry, dressed poultry, and ready-to-cook poultry.

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 70) governing the grading and inspection of poultry and edible products thereof and United States specifications for classes, standards, and grades with respect thereto, for grading service to be performed at the plant hereinafter designated:

Name of plant _____
Street address _____
City and State _____

(a) Upon approval of this application by the Production and Marketing Administration, United States Department of Agriculture (hereinafter referred to as "PMA") PMA will furnish grading service in accordance with the terms and conditions hereof.

(b) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including such applicable instructions as may be issued from time to time by the Administrator), and such other conditions as hereinafter enumerated.

(c) The applicant agrees to pay for the full cost of the grading service covered hereby to PMA at the time the respective invoices are rendered by PMA. The full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoice or invoices covering the period or periods during which the grading service may be rendered:

(i) A charge of \$75.00 for the initial survey (required to be made with respect to an official plant pursuant to the aforesaid regulations) of the designated plant and its premises (but no charge for the final survey) prior to the performance, by the Administration, of the grading service covered hereby: *Provided*, That, if at the time of submission of this application for poultry grading service such designated plant is an official plant in which inspection service is performed by the Administration and poultry grading service has not been performed by the Administration in such plant during the twelve-month period ending on the date of this application, the charge for the survey shall be computed in the manner specified in subparagraph (ii) of this paragraph;

(ii) A charge for each additional survey to be computed on the basis (a) of the actual cost to the Administration of the travel and per diem incurred in the making of the survey, and (b) a charge of \$3.60 per hour for the time consumed in making the survey;

(iii) An inauguration charge of \$50.00 to cover costs incurred by PMA in connection with the inauguration of the grading service and assignment of a grader to the designated plant;

(iv) A charge of \$25.00 for each additional grader or replacement of a previously assigned grader to the designated plant: *Provided*, That, no charge under this subdivision (iv) is to be made for temporary relief graders for regular graders or for the replacement of a grader who is a Federal employee when the replacement is made by PMA other than at the request of the applicant;

(v) A charge equal to the salary costs paid to each grader assigned to applicant's plant by PMA, including earned annual leave and, if necessary, earned sick leave: *Provided*, That, no charge is to be made for salary costs for any assigned grader of the designated plant while temporarily reassigned by PMA to perform a grading service for other than the applicant;

(vi) A charge equal to the salary costs, travel expenses and per diem paid by PMA to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

RULES AND REGULATIONS

(vii) A charge for the actual cost to PMA of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(viii) A charge, at the sole discretion of PMA, of an amount not in excess of the actual cost to PMA of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant;

(ix) A charge included in salary costs equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System; and

(x) An administrative service charge based upon the aggregate weight of the total monthly volume of all products handled in the plant, and computed in accordance with the following table:

Computation of administrative service charges:

0 to 20,000 pounds.....	\$25.00
20,000 to 100,000 pounds.....	30.00
100,000 to 150,000 pounds.....	35.00
150,000 to 200,000 pounds.....	40.00
200,000 to 250,000 pounds.....	45.00
250,000 to 300,000 pounds.....	50.00
300,000 to 400,000 pounds.....	55.00
400,000 to 500,000 pounds.....	60.00
500,000 to 600,000 pounds.....	65.00
600,000 to 700,000 pounds.....	70.00
700,000 pounds or more.....	75.00

(d) The applicant shall designate, in writing, the employees of the applicant who will be required and authorized, to furnish each grader with such information as may be necessary for the performance of the grading service.

It is agreed that:

(a) PMA will provide an adequate number of graders to perform the grading service covered hereby;

(b) At the sole discretion of PMA the graders may be either a Federal or State employee or a licensed employee of the applicant;

(c) PMA shall not be responsible for damages accruing through any acts of commission or omission on the part of any grader;

(d) The provisions hereof shall continue in full force and effect from its effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and PMA; (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of the giving of such notice; (iii) one (1) day's written notice by PMA to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided; or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (e);

(e) The services to be rendered hereunder shall be terminated by PMA at any time PMA, acting pursuant to any applicable laws, rules, or regulations, debar the applicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time PMA concludes that the applicant has not conformed, or cannot conform, hereto;

(f) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions;

(g) A federally employed grader will be required to confine his activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by PMA: *Provided*, That, in no instance will the federally employed grader assume the duties of management;

(h) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom

unless derived through the agreement made with a corporation for its general benefit.

By _____
(Applicant)

(Street)

(City) (State)

(Date)

Approved:

By _____

(Title)

(Date)

Production and Marketing
Administration, U. S.
Department of Agriculture.

Unless otherwise indicated herein the bills will be rendered to the applicant at the address indicated above.

The effective time of the form of application and contract of agreement contained herein will be August 1, 1951, after publication in the FEDERAL REGISTER.

All applications for service with respect to grading of live poultry, dressed poultry, and ready-to-cook poultry now in effect shall be terminated on July 31, 1951, and may be replaced with an application of the form as indicated herein.

(Sec. 205, 60 Stat. 1090, Pub. Law 759, 81st Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 20th day of June 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Pro-
duction and Marketing Ad-
ministration.

[F. R. Doc. 51-7244; Filed, June 25, 1951;
8:51 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52753]

PART 66—IMPORTATION OF ARTICLES IN CONNECTION WITH JAPANESE TRADE FAIR, AT SEATTLE, WASH.

The following regulations under Public Law No. 46, 82d Congress,¹ approved June 12, 1951, relate to the entry of articles in connection with the Japanese Trade Fair to be held at Seattle, Washington, June 17 to July 3, 1951.

Sec.

66.1 Invoices; marking; bond.

66.2 Entry; appraisement; procedure.

66.3 Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug and Cosmetic Act of June 25, 1938.

66.4 Detail of customs officers to protect revenue; expenses.

66.5 Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.

AUTHORITY: §§ 66.1 to 66.5 issued under Pub. Law 46, 82d Cong.

¹ All articles which shall be imported from foreign countries for the purpose of exhibition at the Japanese Trade Fair, to be held

§ 66.1 *Invoices; marking; bond.* (a) All importations of articles of a class requiring a consular invoice, intended for exhibition under the provisions of Public Law No. 46, 82d Congress, and valued at more than \$100, must be covered by consular invoices certified as provided for in § 8.14 of the Customs Regulations of 1943 (19 CFR 8.14). Such invoices shall con-

at Seattle, Washington, from June 17 to July 3, 1951, inclusive, by the International Trade Fair, Incorporated, a corporation, or for use in constructing, installing, or maintaining foreign exhibits at the said trade fair, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said trade fair to sell within the area of the trade fair any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within three months after the close of the trade fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said trade fair under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the International Trade Fair, Incorporated, a corporation, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this Act, shall be reimbursed by the International Trade Fair, Incorporated, a corporation, to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursement shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930, as amended (U. S. C., 1946 edition, title 19, sec. 1524). (Public Law No. 46, 82d Cong.)

tain the information prescribed under section 481 of the Tariff Act of 1930 (19 U. S. C. 1481).

(b) The marking requirements of the Tariff Act of 1930, as amended, and the regulations promulgated thereunder will not apply to articles imported under the regulations in this part except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act, as amended, and the regulations promulgated thereunder.

(c) The International Trade Fair, Incorporated, shall give to the collector of customs at Seattle, Washington, a bond in an amount to be determined by the collector and containing such conditions for compliance with Public Law No. 46, 82d Congress, and the regulations in this part, as shall be approved by the Bureau of Customs.

§ 66.2 *Entry; appraisal; procedure.* (a) All entries under the regulations in this part shall be made at the

port of Seattle, Washington, in the name of the International Trade Fair, Incorporated, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under the regulations in this part, an entry under the general tariff law in the name of any person duly authorized in writing by the International Trade Fair, Incorporated, to make such entry, may be accepted by the collector.

(b) Articles to be entered under the regulations in this part which arrive at ports other than Seattle shall be entered for immediate transportation without appraisal to the latter port in the manner prescribed by the general customs regulations.

(c) Upon the arrival at the port of Seattle of articles to be entered under the regulations in this part, they shall be entered on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION

Entry No.

Entry at the port of Seattle of articles consigned or transferred to the International Trade Fair, Incorporated, under I. T. No. ex
S. S. from on the
day of 1951, for exhibition purposes under Public Law No. 46, of the 82d Congress, approved
June 12, 1951.

Mark	Number	Package and contents	Quantity	Invoice	Value

By _____ INTERNATIONAL TRADE FAIR, INCORPORATED,

(d) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. The articles shall be tentatively appraised prior to their exhibition or use. All imported exhibits entered under the regulations in this part shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with § 66.5 (a).

(e) If for any reason articles imported for entry under the regulations in this part are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided for, or under the general tariff law, or for exportation. If not so entered within such period, they will be regarded as abandoned to the Government.

(f) Articles which have been admitted without payment of duty for exhibition under any customs law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the fair in the manner prescribed in § 10.49 (c) of the Customs Regulations of 1943 (19 CFR 10.49 (c)), except that in each case an entry under paragraph (c) of this section shall be filed, which shall supersede any previous entry, and no new bond other than that specified in § 66.1 (c) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the fair in the manner prescribed in § 8.33 of the Customs Regulations 1943 (19 CFR 8.33).

§ 66.3 *Compliance, provisions of Plant Quarantine Act of 1912 and Federal Food, Drug, and Cosmetic Act of June 25, 1938.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (7 U. S. C. 151 to 164a, inclusive, and 167), shall not be permitted except under permits issued therefor by the Bureau of Entomology and Plant Quarantine, Department of Agriculture, and in accordance with the plant quarantine regulations. The entry of food products shall conform to the requirements of the

Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 et seq.; 21 U. S. C. 301 et seq.) and regulations issued thereunder.

§ 66.4 *Detail of customs officers to protect revenue; expenses.* (a) The collector of customs at Seattle, Washington, shall detail an officer to act as his representative at the fair and shall station inside the fair buildings as many additional customs officers and employees as may be necessary properly to protect the revenue.

(b) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisal, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the fair or transferred thereto for exhibition, shall be reimbursed by the International Trade Fair, Incorporated, to the Government, payment to be made monthly to the collector of customs, Seattle, Washington, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the Revenue from Customs."

§ 66.5 *Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the General Tariff Law, involuntary abandonment.* (a) Any articles entered under the regulations of this part may be withdrawn for exportation, for abandonment to the Government, for destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the fair or at any time during or within three months after the close of the fair. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the fair in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisal, as provided in section 501 of the Tariff Act of 1930, as amended (19 U. S. C. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal from entry under the provisions of Public Law No. 46 of the 82d Congress.

(b) At any time prior to the opening of the fair, or at any time during or within three months after the close of the fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in § 15.4 of the Customs Regulations of 1943 (19 CFR 15.4).

(c) Any articles entered under the regulations in this part which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned

to the Government or destroyed under customs supervision, before the expiration of three months after the close of the fair, shall be regarded as abandoned to the Government. (532.2)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: June 18, 1951.

E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-7258; Filed, June 25, 1951;
8:56 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 604—POLICIES OF THE UNITED STATES EMPLOYMENT SERVICE

PLACEMENT PROCESS

Pursuant to the authority vested in me by section 12, 48 Stat. 117, as amended, 29 U. S. C. 49k, and Reorganization Plan No. 2 of 1949, 5 U. S. C. A. 1332, § 604.1 (b) is hereby amended to read as follows:

§ 604.1 *The placement process.* It is the policy of the United States Employment Service: * * *

(b) To obtain from an applicant only that information which is necessary to determine his qualifications for employment and facilitate his placement on a job.

(Sec. 12, 48 Stat. 117, as amended; 29 U. S. C. 49k)

Signed at Washington, D. C., this 19th day of June 1951.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 51-7221; Filed, June 25, 1951;
8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes [T. D. 5846]

PART 182—INDUSTRIAL ALCOHOL

SPECIALLY DENATURED ALCOHOL FORMULA

1. The appendix to Regulations 3, approved March 6, 1942 (26 CFR Part 182), is hereby amended by modifying Formula 2-B for the manufacture of specially denatured alcohol to read as follows:

FORMULA No. 2-B

To every 100 gallons of ethyl alcohol add: 2-B. One-half gallon benzol or one-half gallon rubber hydrocarbon solvent. (This formula must be used in a closed and continuous process unless it is shown that it is not practicable to do so.)

2. The appendix is further amended by inserting in the specifications for denaturants in specially denatured alcohol, immediately following the specifications for pyridine bases, specifications for rubber hydrocarbon solvent, as follows:

RUBBER HYDROCARBON SOLVENT

Rubber hydrocarbon solvent is a product derived from petroleum meeting the following requirements:

Distillation range (according to A. S. T. M. Specifications D 86-40). When 10 percent of the sample has been distilled into a graduated receiver, the thermometer shall not read more than 72 degrees Centigrade (162 degrees Fahrenheit) nor less than 49 degrees Centigrade (120 degrees Fahrenheit). When 90 percent has been recovered in the receiver the thermometer shall not read more than 121 degrees Centigrade (250 degrees Fahrenheit).

3. The purposes of these amendments are to modify specially denatured alcohol Formula No. 2-B to permit the use of either benzol or rubber hydrocarbon solvent as a denaturant, and to prescribe specifications for the latter material.

4. This Treasury decision shall be effective upon its publication in the FEDERAL REGISTER.

(53 Stat. 375; 26 U. S. C. 3176. Interpret or apply 53 Stat. 355, 358; 26 U. S. C. 3070, 3105)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: June 19, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-7259; Filed, June 25, 1951;
8:57 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 213—DEPOSIT WITH FEDERAL RESERVE BANKS AND DEPOSITORY BANKS OF EMPLOYER AND EMPLOYEE TAXES UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT; INCOME TAXES WITHHELD ON WAGES UNDER SECTION 1622 OF THE INTERNAL REVENUE CODE AND EMPLOYER AND EMPLOYEE TAXES UNDER THE RAILROAD RETIREMENT ACT¹

Part 213, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 848, dated November 10, 1949, as amended) is hereby revised effective July 1, 1951, to read as follows:

- | | |
|-------|---|
| Sec. | Definition of terms. |
| 213.2 | Authorization of Federal Reserve Banks. |
| 213.3 | Designation of banks which may be qualified to act as Depositories for Federal Taxes. |
| 213.4 | Qualification of designated banks as Depositories for Federal Taxes. |
| 213.5 | Procedure to be followed by Depositories for Federal Taxes. |
| 213.6 | Issuance of replacement receipts; inquiries from employers. |
| 213.7 | Termination of the qualification of a Depository for Federal Taxes. |
| 213.8 | Treatment by collector of internal revenue of validated depository receipts. |

¹ The forms mentioned in this part were filed as a part of the original document with the Division of the Federal Register. Copies may be obtained upon request from the several Federal Reserve Banks.

- Sec.
213.9 Functions to be performed by Federal Reserve Banks.
213.10 Amendment or revocation of regulations in this part.

AUTHORITY: §§ 213.1 to 213.10 issued under sec. 15, 38 Stat. 265, sec. 8, 40 Stat. 291, as amended, 53 Stat. 399, as amended, sec. 10, 56 Stat. 356; 12 U. S. C. 391, 31 U. S. C. 771, 26 U. S. C. and Sup., 3310, 12 U. S. C. 265.

SOURCE: Secs. 2 to 11 of Treasury Department Circular No. 848 (Revised) dated June 25, 1951, correspond respectively to §§ 213.1 to 213.10 of this part.

§ 213.1 *Definition of terms.* When used in this part, the terms listed below shall have the following meaning, unless otherwise expressly stated:

(a) "Federal Taxes" shall mean (1) income taxes withheld by employers pursuant to section 1622 of the Internal Revenue Code; (2) employer taxes under section 1410 of such Code and employee taxes withheld under section 1401 of such Code (Social Security employment taxes); and (3) employer taxes under section 1520 of such Code and employee taxes withheld under section 1501 of such Code (Railroad Retirement taxes);

(b) "Federal Reserve Bank" shall mean any of the several Federal Reserve Banks, as fiscal agent of the United States;

(c) "Depository for Federal Taxes" shall mean a designated bank or trust company that has qualified, in accordance with the provisions of this part as originally published, or in its present form, to receive from employers deposits of Federal Taxes, as defined in paragraph (a) of this section, and unless otherwise expressly stated the word "depository" when used herein shall refer to a "Depository for Federal Taxes".

(d) "Depository receipt" shall mean (1) U. S. Treasury Department Forms 450 and 450-A (Rev. Jan. 1951)—"Federal Depository Receipt", for use by employers in making deposits of withheld income taxes and Social Security employment taxes; and (2) U. S. Treasury Department Form 515—"Railroad Retirement Depository Receipt", for use by employers in making deposits of Railroad Retirement taxes.

§ 213.2 *Authorization of Federal Reserve Banks.* Pursuant to the authority contained in section 3310 (f) (2) of the Internal Revenue Code and the Federal Reserve Act, as amended, the several Federal Reserve Banks, in their capacity as fiscal agents of the United States, are hereby authorized and directed, subject to the provisions of this part, to receive from employers or other persons, hereinafter referred to as employers, deposits of Federal Taxes and to perform such other functions as may be prescribed by the Secretary of the Treasury in connection with the handling and processing of such tax deposits. The functions to be performed by Federal Reserve Banks are outlined hereinafter, and will be described in detail, together with the detailed procedure to be followed in performing the required functions, in instructions to the Federal Reserve Banks.

§ 213.3 *Designation of banks which may be qualified to act as Depositories for Federal Taxes.* (a) Pursuant to the authority contained in section 3310 (f)

(2) of the Internal Revenue Code, all insured incorporated banks, within the meaning of section 10 of the act of June 11, 1942, and all uninsured incorporated banks and trust companies designated as "Special Depositaries of Public Moneys" under the provisions of the act of Congress approved September 24, 1917, as amended, are hereby designated, subject to the provisions of this part, as depositaries and financial agents of the Government for receiving from employers deposits of Federal Taxes; *Provided*, That no such bank or trust company shall perform any of the acts covered by this designation until it has qualified, in the manner herein prescribed, to so act. Banks and trust companies that qualify for the purpose of receiving deposits of Federal Taxes from employers will be known as "Depositaries for Federal Taxes".

(b) Banking institutions which have heretofore been designated as depositaries for withheld income taxes, in accordance with the provisions of Part 212 of this chapter or as depositaries and financial agents of the Government for the performance of certain classes of fiscal duties, will be required to qualify under the terms of this part in order to act as Depositaries for Federal Taxes. Banking institutions that have qualified as Depositaries for Federal Taxes, in accordance with the provisions of this part, as originally published, 14 F. R. 7061, will not be required to requalify in accordance with the provisions of this part in its present form.

(c) Incorporated banks or trust companies located in the territories and insular possessions of the United States, which are not insured banks within the meaning of section 10 of the act of June 11, 1942, but which are otherwise eligible for designation as depositaries or financial agents of the United States, may be specifically designated by the Secretary of the Treasury under the act of June 19, 1922 (31 U. S. C. 473), governing depositaries outside of the continental United States, to act as Depositaries for Federal Taxes, upon qualification substantially in accordance with the provisions of § 213.4. Banks and trust companies located in the Territories of Alaska and Hawaii should transmit applications for such designation to the Federal Reserve Bank of San Francisco, and banks and trust companies located in Puerto Rico, the Virgin Islands and the Panama Canal Zone should transmit applications for such designation to the Federal Reserve Bank of New York.

§ 213.4 *Qualification of designated banks as Depositaries for Federal Taxes.* Any designated bank or trust company which desires to qualify, under the terms of this part, for receiving from employers deposits of Federal Taxes without compensation for its services, should apply for qualification through the Federal Reserve Bank of the district in which it is located. Such application shall be made on Application-Agreement, Depositary for Federal Taxes (Form No. 469- Revised). Copies of this form and instructions regarding the application may be obtained from the Federal Reserve Bank. No designated bank, which has

made application for qualification, shall act as a Depositary for Federal Taxes under the terms of this part until it receives from the Federal Reserve Bank notice of approval of the application. Upon receipt of such notice, each designated bank is hereby authorized to receive deposits of Federal Taxes from employers.

§ 213.5 *Procedure to be followed by Depositaries for Federal Taxes.* There are outlined below the basic requirements of the procedure that will be observed by qualified Depositaries for Federal Taxes with respect to deposits of Federal Taxes. More detailed instructions will be furnished such depositaries, through the Federal Reserve Banks.

(a) Depositaries shall accept from employers, who desire to make deposits of Federal Taxes with such depositaries, cash or remittances in the form of check, money order, etc., covering the amount of the Federal Taxes, accompanied by an appropriate depositary receipt form on which the employer has inscribed, in ink or by typewriter, his name, address, employer's identification number, and total amount of taxes; *Provided*, That depositaries will not be required to, but may at their own risk, accept from employers funds which are not immediately available to the depositary at the time of deposit. Depositaries shall not accept from employers any type of depositary receipt form, accompanying their remittances, other than the depositary receipt forms prescribed in this part, and shall not accept Treasury Savings Notes or other public debt securities of the United States as deposits of Federal Taxes under this part.

(b) If requested to do so by employers, depositaries will issue a memorandum or counter receipt to employers evidencing receipt of funds by the depositary. It is important that memorandum receipts issued by depositaries clearly state that employers must not attach such memorandum receipts to their tax returns as evidence of deposit of taxes, since only official depositary receipts, which have been validated by a Federal Reserve Bank, will be accepted by collectors of internal revenue. A suggested form of memorandum receipt, which shall be provided by the depositaries at their own expense, is shown as the appendix of this part.

(c) Depositaries will endorse each depositary receipt in the space provided on the reverse thereof, indicating the name of the depositary and the date on which the tax deposit was received by the depositary.

(d) Depositaries shall forward daily to the Federal Reserve Bank of their district the depositary receipts inscribed by employers, together with payment in funds immediately available at the Federal Reserve Bank point or advice that funds have been credited in the Treasury Tax and Loan Account of the depositary, covering the aggregate amount of all Federal Tax deposits received during that day. (Regulations governing deposits in Treasury Tax and Loan Accounts are contained in Part 203 of this chapter.) Each transmittal will be accompanied by a transmittal letter in

the form prescribed by the Federal Reserve Banks. It is important that the depositary receipts be forwarded daily in order that they may be validated by the Federal Reserve Bank and returned directly to the respective employers without delay, together with a blank depositary receipt for the employer's use in making his next deposit.

(e) Depositaries will establish, prior to transmittal to the Federal Reserve Bank, an adequate record of all deposits received from employers, so that the depositary will be able to identify deposits in the event depositary receipts are lost in shipment between depositaries and Federal Reserve Banks. For this purpose, it will only be necessary to maintain a record of the date of payment, the employer's identification number and the total amount of tax deposit; therefore, copies of memorandum receipts and copies of the depositary's transmittal letter, if individual deposits and employers' identification numbers are listed separately, could be used to provide the necessary information.

§ 213.6 *Issuance of replacement receipts; inquiries from employers.* (a) In the event a depositary receipt, which has been validated by a Federal Reserve Bank, is lost, stolen, or destroyed before it is forwarded to a collector of internal revenue with the employer's quarterly Federal tax return, the employer will be issued a replacement receipt upon proper application and submission of required evidence to the Federal Reserve Bank which validated the receipt. Such issuance of replacement receipts will be governed by requirements and procedure prescribed by the Secretary of the Treasury. Depositaries should instruct employers to execute "Application for Issuance of Replacement Depositary Receipt", indicating thereon the type of taxes, the date and amount of deposit, employer's name, address, and identification number, and the serial number of the validated depositary receipt, and should indicate whether deposit was made with the Depositary for Federal Taxes or directly with the Federal Reserve Bank.

(b) In the event an employer makes inquiry of a depositary with respect to a deposit made with such depositary, for which he has not received a validated depositary receipt from the Federal Reserve Bank, the depositary should furnish the required information, stated in the preceding subsection, to the Federal Reserve Bank to enable it to investigate the matter.

(c) If a depositary receipt without the employer's identification number inscribed thereon is presented to a depositary by an employer when he makes his deposit of Federal Taxes, the depositary should request him to inscribe the identification number in the space provided. In the event the employer has not been assigned an employer's identification number, the depositary should nevertheless accept the deposit. If the employer has not made application for an identification number to the collector for his district, the depositary should request him to do so.

§ 213.7 *Termination of the qualification of a Depositary for Federal Taxes.* The Secretary of the Treasury may terminate at any time the qualification of any Depositary for Federal Taxes. Failure upon the part of a depositary to comply with the provisions of this part, and any amendments or supplements thereof, or with instructions issued pursuant thereto, may, in the discretion of the Secretary of the Treasury, constitute grounds for termination of qualification. Likewise, any depositary may terminate its qualification upon formal notice to the Secretary of the Treasury, through the Federal Reserve Bank of its district.

§ 213.8 *Treatment by collector of internal revenue of validated depositary receipts.* (a) Deposits of Federal Taxes made by employers with Depositaries for Federal Taxes and Federal Reserve Banks shall be treated as payment of such taxes to collectors of internal revenue upon the filing of the employer's quarterly tax return and the presentation therewith to such collectors of properly executed and validated depositary receipts. Collectors of internal revenue will deposit all such depositary receipts, as internal revenue collections, with the Federal Reserve Bank of the district in which the collector's head office is located. Each such deposit shall be accompanied by an appropriate certificate of deposit which shall not include any class of deposit other than depositary receipts.

(b) In any case in which a depositary receipt is deposited by a collector of internal revenue with a Federal Reserve Bank, and it is determined that the employer failed to pay to a depositary or a Federal Reserve Bank the amount stated thereon, the Federal Reserve Bank may return such item to the collector of internal revenue, under procedure prescribed by the Secretary of the Treasury.

§ 213.9 *Functions to be performed by Federal Reserve Banks.* The functions to be performed by Federal Reserve Banks, as fiscal agents of the United States, with respect to Federal Taxes, will be prescribed in detailed instructions to such banks. The Federal Reserve Banks will perform such additional functions relating to the deposit of Federal Taxes as may be required from time to time by the Secretary of the Treasury. In general, Federal Reserve Banks will:

(a) Receive directly from employers deposits of Federal Taxes, accompanied by inscribed depositary receipts, and establish appropriate accounting control for such deposits. The requirements upon employers with respect to inscribing depositary receipts and use of the prescribed receipt forms described in § 213.5 (a) shall be applicable to tax deposits made directly with Federal Reserve Banks.

(b) Be responsible for the qualification of designated banks as Depositaries for Federal Taxes and for the general supervision of depositaries' operations under such qualification.

(c) Receive from depositaries remittances and inscribed depositary receipts, relating to tax deposits made with de-

positaries by employers, and establish appropriate accounting control for such tax deposits.

(d) Validate depositary receipts, relating to tax deposits made with depositaries, as well as directly with the Federal Reserve Bank, and return such validated receipts to employers, together with blank depositary receipt forms for use by the employers in making their next deposit of Federal Taxes.

(e) Perform the necessary functions to provide for crediting deposits of Federal Taxes in Treasury Tax and Loan Accounts of depositary banks, with respect to deposits of such taxes made by employers with banks acting in their capacity as Depositaries for Federal Taxes.

(f) Receive deposits of validated depositary receipts from collectors of internal revenue for appropriate credit and clearance in the central accounts of the Treasury Department.

(g) Perform appropriate matching and auditing functions to verify that the tax deposits, represented by the depositary receipts deposited by collectors of internal revenue, were previously received by the Federal Reserve Bank from depositaries or directly from employers.

(h) Issue replacement receipts, referred to in § 213.6, for validated depositary receipts which are lost, stolen or destroyed.

§ 213.10 *Amendment or revocation of regulations in this part.* The Secretary of the Treasury may revoke or amend any or all provisions of this part at any time or from time to time.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

JUNE 25, 1951.

[F. R. Doc. 51-7274; Filed, June 25, 1951;
9:00 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—OFFICERS' RESERVE CORPS

APPOINTMENT IN ARMY MEDICAL SERVICE SECTIONS

Paragraph (a) (2) (ii) of § 561.18 is amended to read as follows:

§ 561.18 *Appointment in Army Medical Service Sections*—(a) General.
* * *

(2) *Limitation on appointments in Active Reserve.* * * *

(ii) Appointments in the Volunteer Reserve will be limited to:

(a) Those necessary to meet the need for officers for extended active duty when qualified officers of the Active or Inactive Reserve are not available.

(b) Qualified personnel indicated in paragraphs (a) (1) (ii) (a), (b), and (c), (f), and (g) of this section in grade for which qualified, but not above the grade of Captain.

[C4, SR 140-105-6, June 11, 1951] (R. S. 161;
5 U. S. C. 22. Interprets or applies sec. 37,

39 Stat. 189, as amended; 10 U. S. C. 351-353)

[SEAL] WM. E. BERGIN,
Major General, U. S. A.,
Acting The Adjutant General.

[F. R. Doc. 51-7222; Filed, June 25, 1951;
8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 15, Amendment 4]

CPR 15—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

DIRECT WAREHOUSING AND DELIVERY OF FROZEN FOODS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Ceiling Price Regulation 15 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment permits certain Group 3 and Group 4 stores an additional allowance in computing "net cost" for frozen foods under certain prescribed circumstances.

The standard trade practice in the distribution of frozen foods has changed a great deal for certain large operators since the end of World War II. Formerly, Group 3 and Group 4 stores, for the most part, purchased frozen foods from a local distributor who made delivery directly to the retail stores. The 27 percent markup allowed in MPR 422 under OPA and presently allowed in CPR 15 for frozen foods to Group 3 and Group 4 stores assumes the above practice. Of recent years the method of distribution for certain large retailers has changed in that they now perform a direct warehouse and delivery operation for frozen foods. These functions entail, among other things, the added expense of warehousing facilities and refrigerated trucks for delivery to retail outlets. In such cases the 27 percent markup does not reflect an allowance for the added expense. A retailer performing such functions for the distribution of frozen foods has a lower "net cost" on which to apply the 27 percent markup than that of a competitor purchasing frozen foods through a local distributor who makes delivery directly to him. Available facts indicate that some adjustment is necessary in order to permit those retailers performing these functions to recapture their expenses. A substantial proportion of retailers performing the warehousing and delivery functions of frozen foods were consulted and upon the data obtained from them it was determined that the average cost of performing these functions was eight percent of the net cost of the items handled in this manner. Accordingly, this regulation provides that where a retailer owns, leases or controls all of the ware-

housing, assembly and delivery facilities, he multiplies his "net cost" by 1.08 before applying the markup allowed for his store group in Table A of CPR 15. In those cases where the retailer does not own, lease or control all of the facilities, or performs only part of such warehousing and delivery functions, he must report his direct costs to his OPS district office, which may authorize him an allowance, not to exceed 8 percent of his "net cost" for any item of frozen foods handled in such manner, to compensate for the actual expenses he incurs incident to such handling.

In the formulation of this amendment, special circumstances have rendered impractical consultation with official advisory committees, including trade association representatives, however, the provisions of this amendment incorporate the recommendations of persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Ceiling Price Regulation 15 is amended in the following respects:

1. A new section, 21a, is inserted between section 21 and section 22 to read as follows:

SEC. 21a. *Additional allowance for warehousing and delivery of frozen foods.* If the price you pay for any item of frozen foods is no higher than the manufacturer's or processor's ceiling price for the item, you may, in determining your ceiling price for the item use whichever of the following is applicable.

(a) *Complete warehousing and delivery.* If you receive, handle and deliver any item of frozen foods in the following manner, you may multiply your "net cost" of the item by 1.08 before applying the markup allowed for your store group in Table A:

(1) Your usual receiving point of the item is a warehouse owned, leased, or controlled by you, which is designed for the purpose of maintaining frozen foods at proper temperatures, and the item is stored in such a warehouse.

(2) You accept title to the item prior to, or at the time, it is first placed in storage in such warehouse.

(3) You assemble orders for delivery in such warehouse or in a breakup room in such warehouse.

(4) You ship or deliver the item to your retail store in special containers, or in trucks that are designed to maintain frozen foods at proper temperatures, and such containers or trucks are owned, leased, or controlled by you.

If, at any time, you discontinue entirely the above method of doing business

for the item you may no longer multiply your "net cost" of that item of frozen foods by 1.08 before applying the markup allowed for your store group in Table A. In the event, however, your method of performing the above functions changes in part for the item, you must immediately report the circumstances to the OPS district office for the area where the warehouse at which you receive your frozen foods is located, and apply in writing under the provisions of paragraph (b) of this section. Pending action by such district office on your application under the provisions of paragraph (b) of this section, you may upon filing such application begin to add the additional percentage figure, not to exceed 8 percent of the "net cost" for the item, set forth in answer to paragraph (b) (3) of this section to your "net cost" for the item of frozen foods before applying the markup allowed for your store group in Table A.

(b) *Partial and contract warehousing and delivery.* If you do not receive, handle and deliver an item of frozen foods in the precise manner and in all the respects outlined in paragraph (a) of this section, but you do perform some of these functions, or you contract to have some or all of such functions performed for you, you may apply in writing to the OPS district office for the area where the warehouse at which you receive your frozen foods is located, for authority to add a specific percentage markup, not to exceed 8 percent, to your "net cost", to reflect an allowance for your actual warehousing, assembly and delivery costs for the item. Your application must be filed in duplicate with such OPS district office and must contain for your calendar or fiscal year 1950, (if not in business all of 1950 use your most recent fiscal period) the following information:

(1) A complete description of the actual warehousing, assembly and delivery functions performed by you or which you contract to have performed for you in connection with the distribution of frozen foods which you own.

(2) A statement showing, for each of the functions described in paragraph (a) (1), (3), and (4) of this section, the "net cost" of frozen foods so handled, and the actual out-of-pocket expenses incurred by you because of the performance of such warehousing, assembly and delivery functions which you would not have incurred if you had not handled frozen foods in such manner. If you cannot segregate your handling costs because you contract for more than one of the functions described above and such contract does not specify the portion allotted to each such function, your statement must include a complete description of your contractual arrangements.

(3) A statement showing such actual warehousing, assembly and delivery costs incurred by you in terms of a percentage of your "net cost", not to exceed 8 percent, for frozen foods handled in such manner.

If such OPS district office does not notify you within 10 days from the date that you file your application, you may

begin to add the additional percentage figure set forth in answer to subparagraph (3) of this paragraph, to your "net cost" of the item of frozen foods before applying the frozen food markup for your store group in Table A, subject to any action which may be later taken by such OPS district office. In no event may such percentage markup exceed 8 percent of the "net cost" for any item of frozen foods. If, any time, after you are authorized to use such percentage markup, your method of performing these warehousing, assembly and delivery functions changes in any material respect, you must report the circumstances to such OPS district office, and upon a review of the facts your percentage markup allowance, not to exceed 8 percent of the "net cost" for the item, may be adjusted to reflect the changes in your method of operation.

(c) *Retailers who have not previously performed partial or contract warehousing and delivery.* If you did not perform any of the warehousing, assembly and delivery functions outlined in paragraph (a) of this section prior to the effective date of this amendment and you now desire to perform some of such functions or contract to have some or all of such functions performed for you, you may apply to the OPS district office for the area where the warehouse in which you will receive your frozen foods is located, for authority to add a specific markup to your "net cost" not to exceed 8 percent, to reflect an allowance for the actual warehousing, assembly and delivery costs for any item of frozen foods you handle in the proposed manner. Your application must be filed in duplicate with the OPS district office and must contain the following information:

(1) A complete description of the actual warehousing, assembly and delivery functions which you intend to perform or which you will contract to have performed for you in connection with the distribution of frozen foods.

(2) A statement showing for each of the functions described in paragraph (a) (1), (3), and (4) of this section, the estimated "net cost" of frozen foods to be so handled, and the actual out-of-pocket expenses which you estimate will be incurred by you because of the performance of such warehousing, assembly and delivery functions which you will not incur if you do not handle frozen foods in such manner. The figures contained in this statement shall be estimated for a six months period from the date of your application. If you cannot segregate your handling costs because you are contracting for more than one of the functions described above, and such contract does not specify the portion allotted to each such function, your statement must include a complete description of your proposed contractual arrangements.

(3) A statement showing an estimated percentage markup, not to exceed 8 percent, to your "net cost" for frozen foods which will be necessary to reflect an allowance for the actual warehousing, assembly and delivery cost which will be incurred by you if you handle frozen foods in such manner.

You may not operate under this section until you are notified in writing by such OPS district office of the additional percentage markup, not to exceed 8 percent, which you will be allowed to use. In addition, within twenty-five days after the close of the first six months of operation you shall submit to such OPS district office a new application under the provisions of paragraph (b) of this section using your actual cost data for this six months period, so that your percentage markup, not to exceed 8 percent, may be adjusted to reflect your actual warehousing, assembly and delivery costs.

(d) If you price any item of frozen foods under the provisions of this section you may not use the provisions of section 21, paragraph (a) in arriving at your "net cost."

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on the 25th day of June, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7370; Filed, June 25, 1951;
11:25 a. m.]

[Ceiling Price Regulation 49]

CPR 49—WOOD PULP

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation No. 49 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes specific dollars-and-cents ceiling prices for 12 standard grades of wood pulp produced in the United States for domestic consumption or for export. A procedure is set forth for determining the ceiling prices for special grades of wood pulp in line with the ceiling prices for the standard grades. Ceiling prices also are established on four grades of wood pulp comprising the bulk of imports from overseas countries and a method is set forth for pricing all other grades from such countries. Ceiling prices are not fixed for wood pulp imported from Canada because the Canadian Department of Defense Production has taken action to stabilize the prices of wood pulp sold to consumers in this country and has given assurance to the United States Government that no general price increase will be authorized without prior consultation with the United States.

Description of the Market Wood Pulp Industry. Production of wood pulp in the United States exceeds that of any other country, amounting to approximately 40 percent of the world total.

This country, however, consumes almost 50 percent of the world supply of wood pulp and purchases about one-third of the wood pulp moving in international trade. Wood pulp production in the United States is chiefly by integrated mills for their own use in the manufacture of paper and paperboard. Domestically produced market wood pulp, i. e. wood pulp made for sale, constitutes only about 10 percent of domestic output. Total sales of domestic and imported market wood pulp, however, amounted to about 20 percent of United States consumption in 1950. United States exports of wood pulp are equal to less than 1 percent of domestic production.

TABLE 1.—WOOD PULP: UNITED STATES PRODUCTION, EXPORTS, IMPORTS, IN SPECIFIED YEARS, 1947-50

[In thousands of tons]			
Year	Production	Exports	Imports
1947 ¹	11,946	130	2,323
1949 ²	12,172	122	1,763
1950 ²	14,527	96	2,379

¹ Source: U. S. Department of Commerce, Bureau of the Census.

² Source: U. S. Wood Pulp Producers Association.

The wood pulp industry of the United States consists of about 260 mills which, in 1950 produced 14.8 million tons of wood pulp. Normally, only 15 to 20 of these mills produce wood pulp exclusively for sale. The remainder of the domestic supply of market wood pulp is from integrated mills, which sell in the market generally when the return from sales of wood pulp exceeds the return from sales of paper and paper products. In 1950, according to statistics of the U. S. Wood Pulp Producers Association, the American paper industry purchased 2.9 million tons of wood pulp, of which 900,000 tons were domestic production, 1.3 million tons were imported from Canada, and 700,000 tons were from Europe, chiefly Sweden and Finland. In the same year, the rayon and other chemical converting industries purchased about 680,000 tons of special grades of sulphite wood pulp of which approximately 440,000 tons were from United States mills and 240,000 tons were imported, almost wholly from Canada. Of the 2.9 million tons of market wood pulp consumed by the paper industry, 1.5 million tons were bleached and unbleached sulphite wood pulp and 975,000 tons were bleached and unbleached sulphate wood pulp. About one-third of the sulphite wood pulp and three-fourths of the sulphate wood pulp were imported. Canada was the source of most of the sulphite wood pulp and European countries supplied most of the sulphate wood pulp.

The principal consumers of market wood pulp are non-integrated mills which are located chiefly in the Northeastern and North central states. To a large degree these mills manufacture high priced specialty-type paper composed of several grades of wood pulp. Of the total quantity of market wood pulp consumed in this country in 1950, 50 percent was by non-integrated mills, 30 percent by integrated and partially

integrated mills, and 20 percent by the rayon and other chemical converting industries.

Necessity for this Ceiling Price Regulation. With the outbreak of the Korean war, average domestic wood pulp prices rose substantially. Between June 1950 and January 1951, the domestic price of bleached sulphite rose from \$118.00 to \$135.00-\$165.00 per ton, and the price for unbleached sulphate wood pulp rose from \$80.00-\$85.00 to \$130.00-\$200.00 (Table 2). Similar advances in domestic prices were recorded for the other major grades during this period.

The ranges of domestic and import prices pre-Korea, under General Ceiling Price Regulation, and in the second quarter of 1951 are shown in the following table:

TABLE 2.—RANGE IN DOMESTIC AND IMPORT PRICES OF MAJOR GRADES OF WOOD PULP

Grade of wood pulp	June 1950	Under GPCR	Second quarter 1951
Domestic prices: ¹			
Bleached sulphite...	\$118	\$135-\$165	\$135-\$165
Unbleached sulphate...	\$80-\$85	130-200	-----
Import prices: ²			
Bleached sulphite:			
Canada ³	118	145-160	160-170
Finland ³	118	183	225
Sweden ³	118	175	275-290
Unbleached sulphate:			
Canada ³	82-85	135-155	155-170
Finland ³	85	153	200
Sweden ³	85	153	250-275

¹ Full freight allowed.

² Varying freight allowances.

³ On dock.

Source: Compiled from data supplied by U. S. Wood Pulp Producers Association, price lists of market wood pulp firms, and Industry Advisory Committee.

The advance in domestic wood pulp prices after Korea was overshadowed by the sharp increases in the prices of imported wood pulp—particularly European wood pulp. Between June 1950 and January 1951, the price of bleached sulphite from Canada rose from \$118 to \$145-\$160. In the same period the Finnish price for this grade increased from \$118 to \$183 and the Swedish price from \$118 to \$175. This upward price movement continued unabated in the second quarter of 1951 when the Canadian prices of bleached sulphite ranged from \$160-\$170, the Finnish price reached \$225, and Swedish prices were spread from \$275 to \$290 (Table 2). The prices of unbleached sulphate from foreign countries rose at an even greater rate. The Canadian price for this grade of wood pulp increased from \$82-\$85 per ton in June 1950 to \$135-\$155 per ton in the first quarter of 1951 and continued upward to \$155-\$170 per ton in the second quarter. Starting from the same pre-Korea level the Finnish price reached \$153 in the first quarter of 1951 and \$200 in the second quarter of this year. The Swedish second quarter price was \$250-\$275.

The higher level of prices in the American wood pulp market in the second half of 1950 was to a large extent justified by increased costs for producers. This is especially pronounced in the case of pulpwood, which represents from 45 to 65 percent of manufacturing cost. In the Northeastern states, price advances

of 14 percent to 32 percent have been reported for spruce and fir pulpwood between June 1950 and January 1951. To encourage production of an adequate supply, ceilings were recently established under Ceiling Price Regulation 38 for pulpwood in this area above the pre-Korean levels although somewhat below the highest prices frozen under the General Ceiling Price Regulation. In the Lake states region price increases ranging from 4 percent to 30 percent have been reported. Some increases in wood pulp manufacturing costs have resulted from higher labor and chemical costs, which together represent 20 percent of total cost.

Prior to issuance of this regulation the prices of domestic and imported wood pulp were subject to the provisions of the General Ceiling Price Regulation. These prices, however, are unsatisfactory because (1) they embody inflationary price increases which occurred subsequent to June 1950, (2) the existing spread of prices for each grade of wood pulp due to non-uniform price increases since June 1950, if continued, might cause serious dislocations in the industry, and (3) continued purchases of foreign wood pulp at inordinately high prices would pose a serious threat to the stabilization of prices of paper, paperboard and their converted products.

The level of ceiling prices under this regulation. In establishing ceiling prices under this regulation, consideration has been given to the level of prices prevailing pre-Korea and to the increased manufacturing costs which occurred up to the first quarter of 1951. It was also recognized that the substantial rollback of import prices would probably cause a decline in European exports of wood pulp to the United States. Therefore, the domestic ceiling prices must be high enough to cause mills which normally sell all or part of their production to make available the maximum amount of wood pulp. For the same reasons, these ceilings must be high enough to be an adequate compensation to the integrated companies, which, at the direction of the National Production Authority, will curtail their own production of paper or paperboard by diverting part of their wood pulp to the partially integrated and non-integrated companies.

Domestic prices. The level of ceiling prices established for domestically produced wood pulp are in the lower range of prices in effect during the period December 19, 1950-January 25, 1951, inclusive. Some wood pulp producers, consequently, will find it necessary to reduce their prices established under the General Ceiling Price Regulation by substantial amounts.

As a result of extensive consultation with representative sellers and buyers of domestic and imported wood pulp and with representatives of the National Production Authority, it was determined that the price of standard bleached sulphite wood pulp, the principal domestic grade sold, should serve as the base to which the ceiling prices of all other grades would be related. The price of \$140 per ton for this grade, established by this regulation, is \$22 higher than the price prevailing before Korea. This

should be sufficient to cover adequately all increases in manufacturing costs which have occurred since Korea.

The differentials applied to the price of bleached sulphite to arrive at the prices for other grades of wood pulp reflect historical differentials in price, the costs of bleaching wood pulp, and the need for an increased supply of certain grades if the anticipated curtailment of imports occurs as a result of the rollback of prices of overseas wood pulp.

Export prices. Under this regulation the prices established for wood pulp to be exported are the same as the domestic prices except that mills will absorb the amount of freight only to the nearest port of export.

Ceiling prices for imported wood pulp. Ceiling prices for imported wood pulp have been established for wood pulp originating only in overseas countries. They have not been established for wood pulp from Canada because the Canadian Government has given assurances that no general increase will be authorized in the export price of Canadian wood pulp to the United States without prior consultation with the appropriate agencies of the United States Government. Under this arrangement, American buyers will continue to pay prices for Canadian wood pulp which, although higher than the prices of domestic wood pulp, will be substantially less than the ceiling prices for wood pulp from overseas countries.

The ceiling prices for wood pulp from overseas countries represent the lowest level of prices in effect for such wood pulp during the second quarter of 1951 and, for certain grades, are as much as \$65.00 per ton less than some of the prices for wood pulp from these countries.

Transportation allowances. The "basic transportation allowance" pricing system for domestic wood pulp used in this regulation is derived from the system used successfully by the Office of Price Administration. The freight absorption relationships among the various domestic producing areas and for wood pulp of different moisture content have been retained but the specific maximum amounts of freight charges that must be absorbed by the seller have been increased to reflect the higher transportation rates in effect at the present time. This pricing system will assist paper and paperboard mills far-removed from wood pulp producing areas to obtain needed supplies.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In formulating this regulation, the Director of Price Stabilization has consulted extensively with industry representatives and the National Production Authority, the Department of State, the Economic Cooperation Administration, and the Department of Commerce, and has given full consideration to their recommendations. In his judgment, the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable, the Director of Price Stabilization gave due considera-

tion to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

To the extent that this regulation compels changes in business practices, cost practices or methods, or means of aids of distribution established in the industry, such changes are necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.

1. What this regulation does.
2. Applicability and prohibitions.
3. Definitions.
4. Ceiling prices for domestic sales of standard grades of wood pulp produced within the continental limits of the United States.
5. Basic transportation allowances.
6. Ceiling prices for domestic sales of certain special grades of wood pulp produced within the continental limits of the United States.
7. Export sales and sales for export.
8. Ceiling prices for imports of overseas wood pulp.
9. Less than ceiling prices.
10. Resales.
11. Petitions for amendment.
12. Applications for individual price adjustment.
13. Adjustable pricing.
14. Records and reports.
15. Evasion.
16. Enforcement.

AUTHORITY: Sections 1 to 16 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. What this regulation does. The purpose of this regulation is to establish specific ceiling prices for standard grades of wood pulp either produced in the United States, exported, or imported into the United States from overseas areas. Methods are also provided by which producers may establish their ceiling prices for certain special grades of wood pulp. The ceiling prices of this regulation supersede those established by the General Ceiling Price Regulation.

SEC. 2. Applicability and prohibitions—(a) Applicability. The provisions of this regulation are applicable to the United States and the District of Columbia but shall not be applicable to the territories and possessions of the United States. If on or prior to the effective date of this regulation any domestically produced wood pulp has been received by a carrier for shipment to a purchaser, or any overseas wood pulp is in transit on either an ocean carrier or on a North American inland carrier for delivery to a domestic consumer, then the provisions of the General Ceiling Price Regulation and not this regulation shall apply.

(b) Prohibitions. On and after the effective date of this regulation, regardless of any contract or other obligation:

(1) You shall not sell or deliver wood pulp at prices higher than the ceiling prices established by this regulation.

(2) You shall not buy or receive wood pulp, in the course of trade or business,

at prices higher than the ceiling prices established by this regulation.

(3) You shall not agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 3. *Definitions.* (a) When used in this regulation, the term:

(1) "Bleached soda pulp" consists of wood pulp produced by the soda process from the wood of either coniferous or broadleaf trees and bleached to a G. E. Brightness of 66 or more.

(2) "Bleached sulphate" consists of any and all grades of wood pulp, except grades specified in section 6 of this regulation, produced by the sulphate process from the wood of either coniferous or broadleaf trees and bleached to a G. E. Brightness of above 65.

(3) "Bleached sulphite" consists of any and all grades of wood pulp, except grades specified in section 6 of this regulation, produced by the sulphite process from the wood of coniferous or broadleaf trees and bleached to a G. E. Brightness of 70 or above.

(4) "Consumer" includes any person who purchases wood pulp for his own consumption, the Government of the United States, any foreign government or any agency thereof.

(5) "Domestic sales" include any sale between a producer and a consumer both located within the continental limits of the United States.

(6) "G. E. Brightness" means the degree of brightness of wood pulp, as determined by the G. E. Brightness test, as that test is defined in the most recent modification of T. A. P. P. I. Standard Method T 217.

(7) "Groundwood (Mechanical wood pulp)" consists of wood pulp produced mechanically by grinding wood from coniferous or broadleaf trees on revolving wood pulp stones.

(8) "Groundwood screenings" consist of the residuum of wood pulp resulting from and remaining after the production of groundwood wood pulp.

(9) "Lake Central area" includes the states of Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, North and South Dakota, and those parts of Montana, Wyoming, and Colorado east of the Continental Divide.

(10) "Northeast area" includes the states of Ohio, Pennsylvania, Delaware, Maryland, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

(11) "Overseas areas" include all countries other than those of North America.

(12) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(13) "Producer" includes any person who produces wood pulp.

(14) "Resales" include any domestic sales to a consumer, by a consumer or producer, of wood pulp owned but not produced by such consumer or producer.

(15) "Semi-bleached sulphate" consists of any and all grades of wood pulp,

except grades specified in section 6 of this regulation, produced by the sulphate process from the wood of either coniferous or broadleaf trees and bleached to a G. E. Brightness of not less than 45 nor more than 65.

(16) "Short air dry ton" means a ton of 2,000 pounds composed of 90 parts of oven dry fibre and 10 parts of water by weight.

(17) "Southern area" includes all parts of the United States south of the North East and Lake Central areas, and east of the West Coast area.

(18) "Standard newsprint side-runs" consist of side trim rolls of standard newsprint paper sold for and used as wood pulp.

(19) "Sulphate screenings" consist of the residuum of wood pulp resulting from and remaining after the production of any grade of sulphate wood pulp.

(20) "Sulphite screenings" consist of the residuum of wood pulp resulting from and remaining after the production of any grade of sulphite wood pulp.

(21) "Unbleached sulphate" consists of any and all grades of wood pulp, except grades specified in section 6 of this regulation, produced by the sulphate process from the wood of either coniferous or broadleaf trees and either unbleached or bleached to a G. E. Brightness of less than 45.

(22) "Unbleached sulphite" consists of any and all grades of wood pulp, except grades specified in section 6 of this regulation, produced by the sulphite process from the wood of coniferous or broadleaf trees and other unbleached or bleached to a G. E. Brightness of less than 70.

(23) "Unbleached sulphate side-runs" consist of side trim rolls of paper or paperboard manufactured from unbleached sulphate wood pulp and sold for and used as wood pulp.

(24) "West Coast area" includes the area of the United States west of the Continental Divide.

(25) "Wood pulp" includes any pulped fibre material which has been produced either mechanically or chemically from any fibrous cellulose raw material and from which, by a suitable process of manufacture, paper, paperboard, rayon, nitrocellulose, plastics, and any related products can be made, and also side-run paper or paperboard in rolls when sold for manufacture into any of the aforesaid paper products, or any related products.

SEC. 4. *Ceiling prices for domestic sales of standard grades of wood pulp produced within the continental limits of the United States.* Ceiling prices for domestic sales of standard grades of wood pulp produced within the continental limits of the United States are per short air dry ton, delivered consumer mill including the basic maximum transportation allowances as provided in section 5 of this regulation.

Bleached sulphite.....	\$140.00
Unbleached sulphite.....	132.50
Bleached sulphate.....	145.00
Semi-bleached sulphate.....	140.00
Unbleached sulphate.....	132.50
Bleached soda pulp.....	140.00
Groundwood pulp.....	92.50
Sulphite screenings.....	72.50

Sulphate screenings.....	\$67.50
Groundwood screenings.....	60.00
Unbleached sulphate side-runs.....	132.50
Standard newsprint side-runs.....	92.50

SEC. 5. *Basic transportation allowances.* (a) The table below establishes the maximum freight charges per short air dry ton that sellers of domestic wood pulp are required to absorb on shipments to domestic consumer mills.

Area of production of domestic wood pulp	Below 50 percent air dry weight	50-80 percent air dry weight	Above 80 percent air dry weight
Northeast.....	\$16.00	\$14.00	\$11.00
Lake Central.....	16.00	14.00	11.00
Southern.....	20.00	18.00	15.00
West coast.....	23.50	21.50	18.50

(b) If the actual freight costs exceed the basic transportation allowances given in paragraph (a) of this section, the delivered ceiling prices stated in section 4 of this regulation may be increased by a sum per short air dry ton not in excess of the difference between (1) the basic transportation allowance for the area in which the wood pulp was actually produced, and (2) the actual freight cost per short air dry ton involved in transporting such wood pulp from the point where it was produced to the consumer's mill by direct shipment.

SEC. 6. *Ceiling prices for sales of certain special grades of wood pulp produced within the continental limits of the United States.* (a) This section shall apply to the following special grades of wood pulp.

(1) Dissolving, high alpha and special chemical sulphite.

(2) Dissolving, high alpha and special chemical sulphate.

(3) Specification glassine and mitscherlich sulphite.

(4) Specification condenser sulphate.

(5) Semi-chemical wood pulp.

(6) Unbleached soda pulp.

(7) Bleached groundwood.

(8) Wood pulp produced in whole or in part from rags, paper stock or any fibrous material other than wood.

(9) Wood pulp shipped pursuant to N. P. A. orders and produced upon equipment not designed for the production of such wood pulp for sale in the open market.

(b) Domestic producers of special grades of wood pulp listed in paragraph (a) of this section shall establish ceiling prices for their sales of these grades by filing a report with the Office of Price Stabilization, Washington 25, D. C., giving the following facts:

(1) Grade identification and trade names of wood pulp for which ceiling prices are proposed to be established under this section.

(2) Special characteristics which bring the grade or grades involved within the provisions of this section.

(3) Proposed sales price per short air dry ton, and terms of sales (i. e., delivered with full freight allowed, delivered with a specified freight allowance, f. o. b. mill, etc.).

(4) Names and addresses of customers to whom such grades were sold in the first quarter of 1951, and the prices at which these sales were made.

(5) A statement explaining why the prices proposed under this section are in line with the level of ceiling prices established by this regulation for standard grades of wood pulp.

(c) After the report referred to in paragraph (b) of this section has been received by the Office of Price Stabilization, the applicant may sell and deliver any special grade of wood pulp covered by this section at his proposed price, provided he agrees with each customer to adjust the proposed price retroactively, if necessary, to conform with any order or ruling issued by the Office of Price Stabilization with respect thereto. If the Office of Price Stabilization does not issue within 30 days from the date the application is received, a letter order establishing a ceiling price lower than the price proposed by the applicant, the applicant may complete any transactions made by him in this thirty day period at his proposed price. The applicant may then continue to sell such grades at prices not in excess of his proposed price unless and until the Office of Price Stabilization establishes by letter order a lower ceiling price, which will not be retroactive.

SEC. 7. Export sales and sales for export. (a) The base ceiling price for export sales by a domestic producer, and for sales by a domestic producer to an exporter who is not a producer, shall be the applicable ceiling price per short, air dry ton established in either sections 4 or 6 of this regulation delivered f.o.b. cars at the port of exit that is nearest to the producing mill and is normally used for exporting wood pulp. If at the request and for the convenience of the buyer, shipment is made to a port other than this normal port, an amount may be added to the base price equal to the difference between (1) the inland freight incurred in transporting the pulp to the actual port of exit and (2) what would have been incurred if the pulp were shipped to the normal port of exit.

(b) To the base ceiling price established in paragraph (a) of this section the following may be added:

(1) The actual cost of packing for export or special fabrication if such cost was customarily charged as a separate item during the period July 1, 1949 through June 30, 1950.

(2) On sales f.a.s. vessel, f.o.b. vessel, c. & f. or c.i.f. destination, an amount not in excess of the actual cost to the exporter of ocean freight, marine and war risk insurance or other standard charge.

(3) On sales by an exporter who is not a producer, an amount not exceeding the highest commission or markup charged by him during the second calendar quarter of 1950: *Provided, however,* That not more than one commission or markup shall be charged on any export sale, but such commission or markup may be shared or divided among two or more such exporters involved in such export sale.

An exporter who is not a producer and who did not export wood pulp during the second calendar quarter of 1950 shall file an application in writing with the Office of Price Stabilization, Washington 25, D. C., for the commission or markup he proposes to charge. The applicant may

then charge his proposed commission or markup provided he agrees with each customer to make whatever adjustment is necessary to conform with any letter order or ruling issued by the Office of Price Stabilization with respect thereto. If the Office of Price Stabilization does not within 30 days from the date the application is received, issue a letter order establishing a commission or markup lower than that proposed by the applicant, the applicant may complete any transactions made by him at his proposed commission or markup. He may then continue to charge his proposed commission or markup unless and until the Office of Price Stabilization establishes by letter order a lower commission or markup, which will not be retroactive.

SEC. 8. Ceiling prices for imports of overseas wood pulp. Ceiling prices for imports of overseas wood pulp are per short air dry ton, on dock Atlantic Seaboard:

(a) Standard grades of unbleached sulphite and sulphate wood pulp, \$200.00.

(b) Standard grades of bleached sulphite wood pulp, \$225.00.

(c) Standard grades of bleached sulphate wood pulp, \$230.00.

(d) For all other grades, ceiling prices shall not exceed the prices that are in line with those established in paragraphs (a), (b) and (c) of this section. Each buyer shall, before buying such overseas wood pulp report the following to the Office of Price Stabilization, Washington 25, D. C.:

(1) Grade identification and trade name of wood pulp which is proposed to be purchased under this paragraph.

(2) Special characteristics which bring the grade or grades involved within the provisions of this paragraph.

(3) Name and address of overseas producer.

(4) Prices per short air dry ton, and terms of sales, which the United States buyer proposes to pay for these grades.

(5) Prices paid for these grades during the first and second calendar quarters of 1951, or during the most recent quarter in which purchases of the grades were made.

(6) A statement explaining why the prices proposed in subparagraph (4) of this paragraph are in line with the level of prices given in paragraphs (a), (b) and (c) of this section.

(e) After the report referred to in paragraph (d) of this section has been received by the Office of Price Stabilization, applicant may buy overseas wood pulp covered by paragraph (d) of this section at his proposed price, provided he agrees with each producer, importer or agent selling the overseas wood pulp that the price will be adjusted retroactively, if necessary, to conform with any letter order or ruling issued by the Office of Price Stabilization with respect thereto. If the Office of Price Stabilization does not issue within 30 days from the date the application is received, a letter order establishing a ceiling price lower than the price proposed by the applicant, the applicant may complete any transactions entered into by him during the 30 day period at his proposed price. The applicant may then continue to buy

such grades at prices not in excess of his proposed price unless and until the Office of Price Stabilization establishes by letter order a lower ceiling price, which will not be retroactive.

SEC. 9. Less than ceiling prices. Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 10. Resales. (a) No resales as defined in section 3 (a) (14) of this regulation may be made at a price exceeding the sum of the following:

(1) The reseller's actual cost of acquisition per short air dry ton, plus

(2) The actual costs incurred by the reseller in handling and transporting the wood pulp from the reseller's mill or warehouse to the consuming purchaser.

SEC. 11. Petitions for amendment. If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised, issued by the Office of Price Stabilization, 16 F. R. 4974.

SEC. 12. Applications for individual price adjustments. Applications for individual price adjustments may be filed in accordance with the provisions of General Overriding Regulation 10, issued by this Office.

SEC. 13. Adjustable pricing. Nothing in this regulation shall be construed to prohibit the making of a contract or offer to sell wood pulp at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery.

SEC. 14. Records and reports. (a) On and after the effective date of this regulation, every person making sales, purchases or exchanges of wood pulp shall, in addition to the base period records required by section 16 (a) of the General Ceiling Price Regulation, keep for inspection by the Office of Price Stabilization for so long as the Defense Production Act of 1950 is in effect and for a period of two years thereafter his records of each purchase, sale or exchange of wood pulp, showing the following:

(1) Date of purchase, sale or exchange.

(2) Name and address of the buyer or seller.

(3) Grade and air dry percentage of wood pulp purchased, sold or exchanged.

(4) Quantity of each grade purchased, sold or exchanged.

(5) Prices, including terms of sales, paid or received.

(b) Persons required to keep records shall submit such reports to the Office of Price Stabilization and shall keep such other records in addition to or in place of the records required in paragraph (a) of this section, as the Office of Price Stabilization may from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

SEC. 15. Evasion. Any practice which results in obtaining a higher price than is permitted by this regulation is a violation of this regulation. Such practices include but are not limited to, devices making use of commissions, services,

cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements and trade understandings.

SEC. 16. Enforcement. If you violate any provision of this regulation, you are subject to the criminal penalties, civil enforcement actions, suits for damages as provided by the Defense Production Act of 1950.

Effective date. This regulation shall become effective June 30, 1951.

NOTE: The record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7369; Filed, June 25, 1951;
11:25 a. m.]

[General Ceiling Price Regulation, Amendment 4 to Supplementary Regulation 5]

GCPR, SR-5 RETAIL PRICES FOR NEW AND USED AUTOMOBILES

RETAIL PRICES OF NEW MODELS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this amendment 4 to Supplementary Regulation 5 (16 F. R. 1769) to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

The formula for establishing the ceiling price for retail sales of new automobiles under this regulation is based upon the manufacturer's suggested list price in effect prior to January 26, 1951. However, the Director of Price Stabilization may establish a new manufacturer's wholesale ceiling price on a new model automobile not a counterpart of one previously produced, which ceiling price may be higher than on a previous model of the same series. In such instance, the suggested list price for sale at retail first published by the manufacturer may then be too low to permit the retailer to obtain the same percentage markup that he obtained on the same brand or series previously sold by him. This amendment sets forth a procedure whereby the Director of Price Stabilization, whenever he establishes a manufacturer's wholesale ceiling price on a new model automobile, will at the same time by special order establish a dollars and cents list price to be used by the dealer in determining the ceiling price for the automobile. This dollars and cents price will embody the same percentage markup over the manufacturer's wholesale ceiling price established for such new model that the dealer obtains on the best selling model of the same series.

AMENDATORY PROVISION

1. Section 3 (a) is amended to read as follows:

(a) The manufacturer's suggested list price, f. o. b. factory, in effect prior to January 26, 1951, for that make and model car. If the car is a new model for which the manufacturer had not published a list price prior to January 26, 1951, the suggested list price which the manufacturer first publishes after January 26, 1951, must be used except, however, in those cases in which the Director of Price Stabilization establishes a list price for such new model by special order pursuant to section 8 of this regulation. The suggested list price shall include all equipment that was standard for each such make and model on January 26, 1951, or if the ceiling price is established on the basis of a counterpart model in the previous line, the equipment that was standard for such counterpart model. In the event that a new automobile is sold without such standard equipment, the manufacturer's suggested list price shall be reduced by the standard charge which the seller had in effect to the same class of purchaser on January 26, 1951, for the standard equipment which has been eliminated. If the seller had no standard charge for such standard equipment in effect on January 26, 1951, he shall determine his standard charge for the standard equipment eliminated in the following manner:

(1) The seller shall first determine the price, f. o. b. factory, which he had in effect to the same class of purchaser for the complete automobile on January 26, 1951.

(2) The seller shall then divide this price by the cost, f. o. b. factory, in effect to him for the complete automobile on January 26, 1951.

(3) The seller shall then multiply the allowance which the manufacturer makes to him because of the elimination of such standard equipment by the quotient determined under subparagraph (2) of this section. The resulting dollars and cents figure is the standard charge which the seller must deduct from the net price which he had in effect on January 26, 1951, to the same class of purchaser.

2. A new section, section 8, is added as follows:

SEC. 8. List prices established by Director of Price Stabilization. Whenever the Director of Price Stabilization establishes a manufacturer's wholesale ceiling price, f. o. b. factory, on a new model automobile not a counterpart of one previously produced by the manufacturer, the Director will, by special order pursuant to this section, establish a dollars and cents price to be used by the dealer in place of the sum of those items specified in sections 3 (a) and (h) of this regulation, in determining the ceiling price for the automobile under section 3 of this regulation. Such dollars and cents price will embody the same percentage markup over the manufacturer's wholesale price established for such new model that

dealers obtained on the best selling model of the same series after March 1, 1951.

(Sec. 704, Public Law 774, 81st Cong.)

This amendment shall become effective June 30, 1951.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

JUNE 25, 1951.

[F. R. Doc. 51-7368; Filed, June 25, 1951;
11:24 a. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[Enforcement Resolution 1]

ER 1—ENFORCEMENT OF WAGE STABILIZATION PROGRAM

The Wage Stabilization Board recognizes that by and large labor and industry will comply with the provisions of the Defense Production Act of 1950 with regard to wage stabilization and the orders and rules promulgated thereunder. However, it is also recognized that violations of the law will occur. The Board has already received reports of a substantial number of such violations. To disregard such violations, whether they be wilful or made through honest mistake or ignorance, can and will impair the entire anti-inflation program. It also places violators in a decidedly advantageous position in obtaining manpower, and leads to the practice of pirating critical manpower. To insure compliance with the law, it is, therefore, necessary that strong enforcement action be undertaken as soon as possible.

Section 405 (a) of the Defense Production Act provides, "It shall be unlawful * * * for any person * * * to do or omit to do any act, in violation of this title or of any regulation, order, or requirement issued thereunder, or to offer, solicit, attempt, or agree to do any of the foregoing."

Section 405 (b) of the act provides, "No employer shall pay, and no employee shall receive, any wage, salary, or other compensation in contravention of any regulation or order promulgated by the President under this title. The President shall also prescribe the extent to which any wage, salary or compensation payment made in contravention of any such regulation or order shall be disregarded by the executive departments and other governmental agencies in determining the costs or expenses of any employer for the purposes of any other law or regulation."

Section 704 of the Defense Production Act provides, "The President may make such rules, regulations, and orders as he deems necessary or appropriate to carry out the provisions of this act. Any regulation or order under this act may be established in such form and manner, may contain such classifications and differentiations, and may provide for such adjustments and reasonable exceptions as in the judgment of the President are

necessary or proper to effectuate the purposes of this act, or to prevent circumvention or evasion, or to facilitate enforcement of this act, or any rule, regulations, or order issued under this act."

On September 9, 1950, by Executive Order 10161, (amended by Executive Order 10233 on April 21, 1951), the President delegated to the Economic Stabilization Administrator, among other functions, the functions conferred upon the President by the above quoted sections of the act, and on January 24, 1951, by General Order #3 the Administrator redelegated such functions to the Wage Stabilization Board.

Notwithstanding any action which may be taken pursuant to the following resolution, persons who engage or are about to engage in any acts or practices which constitute or will constitute a violation of section 405 of the act, may be subject to action under section 409 (a) and (b) and section 706 of the act.

In addition to the provisions of the following resolution implementing section 405 (b) of the act, the Wage Stabilization Board deems it necessary to provide for supplementary action to reach those cases of violation where the provisions of Section 1 of the resolution may be ineffectual or inadequate to facilitate enforcement of the act. Such action is provided for in Section 2 of this resolution.

Accordingly, the Wage Stabilization Board in discharge of its responsibilities under the provisions of the Defense Production Act of 1950, Executive Order 10161, (as amended by Executive Order 10233), General Order #3 of the Economic Stabilization Administrator and the orders promulgated thereunder resolves:

Sec.

1. Disallowance of unlawful payments.
2. Recommendation on withholding of priorities assistance and materials allocation.
3. Enforcement Commission.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st. Cong.

SECTION 1. Disallowance of unlawful payments. (a) Where any wage, salary, or other compensation payment is found by the Wage Stabilization Board to have been made by an employer in contravention of the Defense Production Act of 1950, or the regulations, rulings or orders promulgated thereunder, the Executive Departments and other agencies of the government, shall, upon certification by the Wage Stabilization Board, disregard and disallow (except as provided in paragraph (b) of this section) the entire amount of such payment and not merely an amount representing the increase made in such wage or salary in contravention of the act, regulations, rulings or orders promulgated thereunder, for the following purposes:

- (1) In calculating deductions under the revenue laws of the United States,
- (2) In determining costs or expenses under any contract made by or on behalf of the United States, either directly or indirectly,

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(3) In the setting or approving any maximum price ceilings, and

(4) In determining costs or expenses of any such employer for the purpose of any other law or regulation, whether heretofore or hereafter enacted or promulgated.

(b) The Board, in order to effectuate the purpose of the Defense Production Act of 1950 and the wage stabilization provisions thereunder, may determine in any case where it finds extenuating and mitigating circumstances: (1) An amount, less than the full amount prescribed hereinabove which shall be disregarded and disallowed by the Executive Departments and other agencies of the government and, (2) the particular departments or other agencies of the government by which the amount shall be disregarded and disallowed, in which event, the particular departments or other agencies of the government shall disregard and disallow the lesser amount determined and certified by the Board.

(c) Any such determination made by the Board under paragraphs (a) and (b) of this section shall be conclusive for the purpose therein stated. The executive departments and other agencies of the government which receive certifications of such determinations shall disregard and disallow the amount thus certified.

SEC. 2. Recommendation on withholding of priorities assistance and materials allocation. Where any wage, salary, or other compensation payment is determined by the Board to have been made in contravention of the act, the Board may recommend to the Executive Departments and agencies of the government responsible for the issuance and granting of priorities and material allocations that such Department or agency withhold priorities assistance and the allocation of materials from the employer who has made such payment.

SEC. 3. Enforcement Commission. (a) The Chairman of the Wage Stabilization Board is empowered to conclude agreements with the Executive Departments and agencies of the government relative to the procedures and actions to be taken in effectuating the provisions of this resolution.

(b) There shall be established a National Enforcement Commission composed of three persons who are not members of the Wage Stabilization Board, one of whom shall be designated Chairman. A similar commission shall be established in each regional office. Such commissions shall make the recommendations, determinations and certifications provided for in this resolution. Such commissions shall be subject to the general policies of the Wage Stabilization Board in making their determinations.

Adopted unanimously, June 13, 1951.

GEORGE W. TAYLOR,

Chairman,

Wage Stabilization Board.

[F. R. Doc. 51-7302; Filed, June 25, 1951; 8:45 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-47A]

M-47A—USE OF IRON AND STEEL, COPPER, AND ALUMINUM IN CERTAIN CONSUMER DURABLE GOODS AND RELATED PRODUCTS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

Sec.

1. Purpose.
2. Definitions.
3. Application of this order.
4. Use of metal products in consumer durable goods and related items.
5. Exemptions.
6. Seasonality.
7. Effect on other orders and regulations.
8. Applications for adjustment or exception.
9. Records and reports.
10. Communications.
11. Violations.
12. Superseder of Amendment 1 to NPA Order M-47.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 8105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. Purpose. The purpose of this order is to limit the use of iron and steel, copper, and aluminum in the manufacture and assembly of specified items of consumer durable goods and certain related products. Because large amounts of these metals must be used for defense and defense supporting activities, only limited amounts remain available for production of the items covered by this order. This order is, therefore, necessary to promote an equitable distribution of these metals, and of parts made therefrom, among manufacturers and assemblers of such items.

SEC. 2. Definitions. As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Base period" means:

(1) As to items included in list A set forth below, except as otherwise provided in section 6 of this order, the 6-month period ending June 30, 1950.

(2) As to items included in list B set forth below, the 3-month period ending March 31, 1951.

(c) "Manufacture" means to put into process, machine, fabricate, or otherwise alter materials by physical or chemical means.

(d) "Metal product" means any of the following:

(1) The iron and steel products listed in table I of NPA Order M-1, as amended, hereinafter referred to as "iron and steel products."

(2) The forms and products of copper or copper-base alloys listed in section 2 of NPA Order M-11, hereinafter referred to as "copper products." The term "copper products" includes copper powder.

(3) The aluminum forms and products listed in section 2 of NPA Order M-5, as amended, hereinafter referred to as "aluminum products."

(e) "Third quarter" means the calendar quarter commencing July 1, 1951.

(f) "Item" means the various products included in the listing following each Arabic numeral in list A or list B set forth below, except as otherwise provided in the initial paragraph of section 4 of this order.

(g) "Part" means any part or component made wholly or partly from a metal product, and includes partially fabricated material which lost its identity as a metal product prior to its acquisition by the manufacturer or assembler of an item.

SEC. 3. Application of this order. This order applies to a person who uses any metal product or part made wholly or partly therefrom in the manufacture or assembly of any item in list A or list B set forth below. This order also applies to any person who manufactures parts specifically designed for any item in list A or list B, to the extent that such part may contain copper or aluminum used for ornamental or decorative purposes. This order does not apply to the production of metal products.

SEC. 4. Use of metal products in consumer durable goods and related items. The provisions of this section shall apply separately to iron and steel products, to copper products, and to aluminum products. However, in computing the permitted and base-period use or rate of assembly of copper products, aluminum products, or parts containing either such material, all items on list A shall be considered a single item, and all items on list B shall be considered a single item, except for the purposes of the second alternative limitation under paragraph (b) of this section. In computing use or rate of assembly during the base period of copper products, aluminum products, or parts containing either such material, as to items on list B, no use or rate of assembly may be considered to the extent that it may have exceeded the use or rate of assembly permitted by any applicable NPA order. Subject to the exemptions stated in section 5 of this order, or unless specifically authorized in writing by the National Production Authority, the following provisions shall apply to the use of metal products or parts in the manufacture or assembly of items in list A or list B:

(a) No person shall use during the third quarter, in the manufacture of any item, a total quantity by weight of any metal product in excess of his use of such material in such manufactured item during the applicable base period, multiplied by the applicable percentage rate specified by paragraph (c) of this section.

However, if such person used a metal product in the manufacture of one or more units of a part for an item during the applicable base period, and uses one or more purchased units of that part containing such material in such item during the third quarter, he shall include the weight of such metal product used in the manufacture of each such part, whether by himself or another, in computing his use of such metal products during the applicable base period and during the third quarter. Paragraph (b) of this section shall also apply to any person subject to this paragraph, to the extent that he assembles in his manufactured item purchased parts which he did not manufacture in the base period.

(b) Except as to parts subject to the second sentence of paragraph (a) of this section, any person who uses purchased parts in the assembly of an item during the third quarter shall, as to such item, comply with one of the following limitations as to parts containing a metal product, which limitations shall apply separately as to each metal product:

(1) He shall not use a number of units of any part containing such metal product in excess of the number of units of such part which he used during the applicable base period, multiplied by the applicable percentage rate specified by paragraph (c) of this section.

(2) He shall not assemble a number of units of an item containing such metal product in excess of the number of units of such item which he assembled during the applicable base period, multiplied by the applicable percentage rate specified by paragraph (c) of this section.

(3) He shall not use a total quantity by weight of all such parts containing such metal product in excess of his use by weight of all such parts during the applicable base period, multiplied by the applicable percentage rate specified by paragraph (c) of this section. Such weight shall be computed upon the weight of the metal product content of the parts as used. Any person complying with this limitation may increase his permitted use of any metal product for an item under paragraph (a) of this section to the extent and in the amount that the total weight of such metal product contained in all parts used in an item is less than the total weight of such metal product permitted to be contained in such parts by this limitation.

(c) In computing permitted use or rate of assembly of each metal product or of parts made wholly or partly therefrom, the following percentage rates shall be applied:

LIST A ITEMS

Type of products or parts:	Percentage of average quarterly use or rate of assembly in base period
Iron and steel products and parts.....	70
Copper products and parts.....	60
Aluminum products and parts.....	50

LIST B ITEMS

Type of products or parts:	Percentage of use or rate of assembly in base period
Iron and steel products and parts.....	85
Copper products and parts.....	80
Aluminum products and parts.....	75

However, in the manufacture or assembly of any item, or in the manufacture or assembly of any part specifically designed for use in the assembly of any item, no person shall use a greater quantity or better grade of copper products or aluminum products, or any part which contains a greater quantity or better grade of either such material, than is necessary for functional or operational purposes, or use copper products, aluminum products, or parts containing either such material, for any ornamental or decorative purpose.

(d) During any month of the third quarter, no use in manufacture or rate of assembly subject to the limitations of this section shall exceed 40 percent of the permitted quarterly use or rate of assembly.

(e) The manufacture or assembly of any item in list A or list B to fill rated orders, or to meet any mandatory order of the National Production Authority, shall be subject to the limitations of this order: *Provided, however*, That in cases where such limitations will delay or prevent the filling of such orders, application may be made for adjustment or exception pursuant to section 8 of this order.

SEC. 5. Exemptions. (a) Any person shall be exempt from the provisions of this order with respect to any metal product if his total output of manufactured and assembled items in list A and list B during the third quarter has a content by weight of that metal product not in excess of the following quantities, subject to the provisions of paragraph (c) of section 4 of this order relating to the use of copper and aluminum products for ornamental or decorative purposes.

Type of material:	Amount
Carbon steel.....	5 short tons.
Alloy steel (except stainless steel).....	1,000 pounds.
Copper products.....	500 pounds.
Aluminum.....	500 pounds.

The terms "carbon steel" and "alloy steel" are used as defined in Schedule I of CMP Regulation No. 1. In computing metal product content under this paragraph, there shall be considered both the use of such metal product and the estimated quantity of such metal product contained in parts purchased from others which are used in an item.

(b) Any person whose total output of manufactured and assembled items in list A and list B during the third quarter has a content by weight of any metal product (including the estimated amount of such metal product in parts purchased from others) of less than the following applicable maximum quantity may adjust his permitted use or rate of assembly as to such material as computed under section 4 of this order by increasing such permitted use by 25 percent, to the extent that such use or rate of assembly does not then exceed the applicable maximum quantity:

Type of product:	Maximum quantity short tons
Iron and steel products.....	100
Copper products.....	5
Aluminum products.....	5

SEC. 6. Seasonality. (a) Any person may, at his option, determine his per-

mitted use or rate of assembly under this order for items in list A by using as a base period the 6-month period ending December 31, 1949: *Provided, however*, That such person shall then use that base period for all such manufactured and assembled items.

(b) If, because of seasonal factors, the use of the base period specified for items in list B imposes undue or exceptional hardship upon any person who manufactures or assembles any item in such list, such person may apply for adjustment or exception pursuant to section 8 of this order.

SEC. 7. Effect on other orders and regulations. (a) Nothing contained in this order shall impair or affect any CMP Regulation. Any person who receives an allotment for a CMP Class B product subject to this order shall not thereafter be subject to this order as to such product: *Provided, however*, That such product shall not thereafter be included within any item on list A or list B for the purpose of computing permitted use or rate of assembly for such item.

(b) The provisions of CMP Regulation No. 2 apply to any person subject to this order.

SEC. 8. Applications for adjustment or exception. Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 9. Records and reports. (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 10. Communications. All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-47A.

SEC. 11. Violations. Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

SEC. 12. Superseder of Amendment 1 to NPA Order M-47. Amendment 1 of June 2, 1951, to NPA Order M-47 is hereby superseded.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order, issued June 20, 1951, shall take effect July 1, 1951.

NATIONAL PRODUCTION
AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

The items on list A and list B, made in whole or in part from metal products or containing parts made wholly or partly therefrom, are subject to the provisions of this order. (Joining hardware is not considered "parts" within the meaning of list A or list B.) The listing following each Arabic numeral shall be considered a separate item hereunder.

LIST A

I. Metal and Wood Household Furniture (Excluding Bedsprings, Mattresses, and Dual-Purpose Sleeping Equipment)

1. Household furniture predominantly of wood materials, including upholstered furniture (excluding products using less than 5 percent of iron and steel parts by weight, not including weight of joining hardware; and excluding wood beds with metal bed-rails), and including but not limited to living room, dining room, kitchen, breakfast room, and bedroom furniture.

2. Household furniture predominantly of metal materials, including upholstered furniture, including but not limited to beach, recreation room, kitchen, sunroom, garden, porch, and lawn furniture.

II. Other Furniture and Fixtures (Excluding Medical, Dental, and Hospital Specialties, Bedsprings, Mattresses, and Dual-Purpose Sleeping Equipment)

1. Restaurant furniture and fixtures, including tray stands and serving tables.

2. Barber shop and beauty shop furniture especially designed for such use, including but not limited to manicure tables, dress-ettes, hydraulic and reclining chairs, and couch units.

3. Soda fountain, counter, bar, beer and other malt beverage-dispensing equipment and fittings (including bar rails).

4. All other office, commercial, or industrial furniture, including but not limited to: all types of desks; stools; sofas; bookcases; tables; chairs; stands; booths; filing cabinets; transfer cases (including card and document cases); clothing racks; costumers; and theater, auditorium, stadium, and grandstand chairs and seats, ganged and single, indoor or outdoor types, including portable bleachers; flower pots, boxes, stands, and holders for same; and window boxes; but excluding seats and desks designed for school use.

III. Partitions, Shelving, Lockers, and Fixtures (Excluding Medical, Dental, and Hospital Specialties)

1. Lockers; partitions and shelving (excluding specially designed factory partitions and shelving); book stacks; luggage racks; household cabinets, such as kitchen, wardrobe, broom, and medicine cabinets; and telephone booths.

2. Show and display cases (including wall types), show and display tables, and counters.

3. Store and office decorative and ornamental fixtures.

IV. Appliances, Machines, and Equipment

1. Cooking stoves, ranges, combination cooking stoves, and combination ranges (domestic).

2. Small household type electric appliances including but not limited to: broilers; coffee percolators and urns; hot plates and disc stoves; roasters; toasters; waffle irons; sandwich grills; cookers; casseroles; food mixers; juice extractors; drink mixers and whippers; hand hair dryers; vibrators; non-industrial electric air space heaters; electric steam radiators; flat irons, including steam irons; immersion heaters and portable electric water heaters (excluding electric heatings pads, dry shavers and electric soldering irons).

3. Electric fans (except industrial types), including all desk-bracket, wall, pedestal, and floor or hassock fans 16 inches and under; attic, household, window ventilating, and kitchen exhaust fans of all sizes.

4. Floor waxing and polishing machines, furniture polishers, vacuum cleaners, and carpet sweepers (household).

5. Portable electric lamps, including office types, such as floor, bridge, desk, torch, and table; pin-up lamps; lamp shades; and incandescent vehicular lighting equipment.

6. Home laundry equipment, including but not limited to clothes dryers (gas and electric), mechanical ironers and mangles, electric and gasoline type washing machines, ironing boards, wash boards, drain boards, and washing boilers; dishwashing machines, automatic food and garbage disposal units, and water softeners (household).

7. Household refrigerators, mechanical and ice, and cabinets for household refrigerators sold separately; home and farm food freezers (under 13 cubic foot capacity) and cabinets for same sold separately; bottled beverage coolers (all types); and bulk beverage dispensers (all types).

8. Packaged air conditioning units (window and console types $\frac{3}{4}$ horsepower and under); dehumidifiers for home and office including self-contained types with complete refrigeration cycle.

9. Clothes poles and clothes hanging dryers.

10. Flexible cord sets; coated electric tubing; and Christmas tree lighting outfits.

V. Utensils and cutlery

1. Cooking and kitchen utensils, vitreous enameled and stamped and spun (excluding hospital specialties).

2. Silverware, including but not limited to: flatware, hollow ware, novelties, toilet ware, and trophies.

3. Plated ware, including but not limited to: flatware, hollow ware, novelties, toilet ware, and trophies.

4. Table and kitchen cutlery, such as all types of knives, forks, spoons, and carving sets; pocket knives; and cutlery handles.

5. Vacuum bottles and jugs over one quart, and silverware and plated ware types of all sizes; picnic boxes, kits, trunks, jugs, grills, and equipment.

VI. Radio, television, and phonographs

1. Radio receivers, home, portable, and broadcast band automobile receivers; radio-phonograph combinations (including combinations with recorders).

2. Television receivers; radio-television receivers; television phonograph combination (including combinations with recorders); and radio-television-phonograph combinations (including combinations with recorders).

3. Phonographs and record players, and phonograph needles and cutting styli.

VII. Transportation equipment

1. Motorcycles, motor scooters, motor bikes, 2. Bicycles.

3. Ships, boats and canoes, except military and commercial, including fittings of all kinds, fastenings, and hardware for same.

4. Aircraft, except military and commercial.

VIII. Miscellaneous Items

1. Automatic merchandising machines; coin-operated scales; home bathroom scales; nonmechanical and nonelectrical beverage coolers; household, nonelectric ice cream freezers; and coin operated musical devices or machines.

2. All games, toys, toy whistles, and children's vehicles (not including baby carriages, walkers, and strollers, not of play or toy type).

3. Jewelry (except religious goods); jewelry cases; novelties, ornaments; souvenirs, insignia, decorations, emblems, medals and badges (except religious and military); jeweler's findings and materials; buttons and button parts, civilian type (except machine-attached tack buttons, and rivets and burrs for the work clothing industry); dress ornaments and fittings; millinery accessories and frames; statues and statuettes; artificial flowers; key chains and catches and fasteners therefor.

4. Garden tools, lawn mowers, rollers, seeders, and tampers; hedgeclippers and snips; lawn and garden hose accessories, such as sprinklers, nozzles, couplings, clamps, menders, and reels.

5. Musical instruments, including equipment, stands, and cases; chimes and bells.

6. Pianos and organs, including parts and materials.

7. Paper weights; penholders and desk sets; desk and document trays; letter openers; smokers' articles such as: ash trays, cigar tubes and cases, cigarette and match cases, holders, lighters, tobacco pipes, pipe cleaners, humidors and smoking stands; match, cigarette, and typewriter ribbon boxes; book-ends; calendars, calendar stands, and desk pads; shoe stretchers and trees.

8. Venetian blinds, slats, fittings and accessories; and shades.

9. Fireplace fixtures and equipment, such as dampers, irons, and fire screens.

10. Sporting and athletic goods; weight reducing and exercising machines; rowing machines.

11. Morticians' goods and equipment such as caskets, coffins, urns, vaults, liners, and memorial tablets (excluding morticians' instruments, supplies, and wooden coffin hardware).

12. Signs, markers, and advertising displays (excluding safety and traffic control signs and markers); metal letters, numbers,

and plates (except for industrial or public utility control, identification, or instruction).

13. Mirror and picture frames.

14. Garment hangers, hooks, brackets, racks, and rods; wire guards; wire florists' designs; bird and pet cages, houses, aquariums, accessories and equipment.

15. Grocery and retail market type baskets and carts.

16. Gambling and amusement devices or machines.

17. Luggage and trunks; handbags and purses; and small leather goods.

18. Beverage mixing and serving equipment such as coasters, bottle coolers, cocktail shakers, ice buckets and pails, and ice chippers and shavers.

19. Awnings and canopies.

20. Containers for bath salts, cosmetics (except collapsible tubes), gifts, and powder.

21. Bathroom accessories including soap dishes; tooth brush, tumbler and paper holders; and towel bars.

22. Binoculars and opera glasses (except precision types).

23. Umbrellas, parasols, walking sticks, canes, and batons; weather vanes; sundials; arbors and trellises.

24. Mops; mud scrapers; stairs and threshold treads and edging; cuspidors; and tags, collars, and harness for pets.

25. Clothes hampers; clothes-line hardware and clothespins; curtain and drapery hardware including fasteners, rods, and rings; carpet hardware; furniture grommets; robe hooks.

26. Hair brushes and combs; dresser sets; hair curlers, beauty cream jars; mesh bags; atomizers (except for medicinal purposes and for use in the preparation of dried milk and dried eggs).

27. Cups and soda fountain cup holders; flasks.

28. Any other end-product not included in any item in list A or list B of this order, as to a person who receives no CMP allotment for such product for the third quarter. (The term "end-product" shall not include any product normally incorporated as a part, component, or sub-assembly of any other product whether or not such other product is included in any item in list A or list B of this order.) However, this item shall not include any product covered by NPA Order M-68.

IX. Accessories

1. Accessories for any single item in this list A shall constitute a separate item for the purposes of this order, and shall also be an item separate from the item to which it is an accessory.

2. Automobile accessories including but not limited to radio-antennae, heaters, defrosters, lighters, curb feelers, radiator ornaments, etc.

NOTE: With respect to items in this list A, an "accessory" shall mean any product not specifically listed in list A or list B which is used with or attachable to an item described in this list A or to a "passenger car" as defined in NPA Order M-68, and which is generally known in the trade as an "accessory".

LIST B

1. Pails, ash and garbage cans (except shipping containers), household buckets, washing tubs and tub covers; spray guns (except paint-spraying equipment and agricultural sprays).

2. Household furniture predominantly of wood materials (including upholstered furniture) using less than 5 percent of iron and steel parts by weight, not including weight of joining hardware; wood beds with metal bedrails.

3. Dual-purpose sleeping equipment.

4. Furniture and fixtures designed for medical, dental, and hospital use (medical, dental, and hospital specialties).

5. Partitions and shelving specially designed for factory use.

6. Furniture and cabinet hardware, including casters, caster cups, glides and floor protective devices; and casket and casket shell hardware.

7. Baby carriages, walkers, and strollers.

8. Hospital specialty cooking and kitchen utensils.

9. Sewing machines, household.

10. Farm food freezers over 13 cubic feet.

11. Safety and traffic control signs and markers.

12. Incandescent hand portable lighting equipment (such as flashlights, lanterns, miners' and emergency warning hand portable lights); nonelectric lighting equipment, civilian type (such as: carbide, gasoline, and kerosene lamps and lanterns; nonelectric lighting equipment parts and accessories; and nonelectric lighting reflectors); lamp components, including cold cathode fluorescent lamp electrodes, electric lamp bases, and all electric lamp components except bulb blanks.

13. Domestic electric automatic controls for air conditioning, heating, and refrigeration.

14. Bottling machinery (except dairy).

15. Beauty and barber shop equipment (except products included in list A) such as: cold waving end wraps, processing caps and rods, hair clippers, lather mixers, permanent waving equipment and supplies, and manicure implements.

16. Clocks, clock cases, watches, and watchcases, including movements and parts (except: products and parts not designated by an asterisk (*) in Product Class Code 3871 of the Official CMP Class B Product List).

17. Safety razors, blades, and blade magazines.

18. Electric soldering irons, heating pads, and electric dry shavers.

19. Electric fans (except industrial) other than types and sizes included in list A.

20. Home workshop machine tools and home woodworking machinery.

21. Stationery tablets, greeting cards, and related products; library and loose-leaf binders; lead pencils; pens, mechanical pencils, and pen points; paper clips; hand stamps; marking branding irons; marking dies; stamping and inking pads; stencil marking devices; and rubber and metal stamps.

22. Flat glass, except plate and sheet.

23. Brooms and brushes (except for types used in electric motors and generators).

24. Buttons and button parts (only machine-attached tack buttons, and rivets and burrs for the work clothing industry.)

25. Horse-drawn buggies, sleighs, and sulkies.

26. Vacuum bottles and jugs, one quart and under (other than silverware and plated ware type); lunch boxes for industrial and school use.

27. Accessories for any single item in this list B shall constitute a separate item for the purposes of this order, and shall also be an item separate from the item to which it is an accessory.

NOTE: With respect to items in this list B, an "accessory" shall mean any product not specifically listed in list A or in list B which is used with or attachable to an item described in this list B and which is generally known in the trade as an "accessory."

[F. R. Doc. 51-7331; Filed, June 22, 1951; 4:37 p. m.]

[CMP Regulation 1, Direction 3]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 3—RESTRICTIONS ON PLACING AUTHORIZED CONTROLLED MATERIAL ORDERS

This direction under CMP Regulation No. 1 is found necessary and appropriate

to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

SECTION 1. Unless previously authorized in writing by NPA, no prime consumer who has received an allotment of controlled materials shall place orders calling for delivery of more than 35 percent of the quantity of controlled materials stated in such allotment during any one month of the quarter for which the said allotment is valid. The provisions of this direction do not require the reduction of a delivery order below the minimum mill quantity specified in Schedule IV of CMP Regulation No. 1.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This direction shall take effect on June 25, 1951.

NATIONAL PRODUCTION
AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7384; Filed, June 25, 1951;
11:42 a. m.]

[NPA Regulation 2, Direction 1]

REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

DIR. 1—AUTOMATIC CONVERSION OF DELIVERY ORDERS BEARING CERTAIN RATINGS

This direction to NPA Reg. 2 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. Consultation with industry representatives in advance of the issuance of this direction has been rendered impracticable due to the need for immediate action and the fact that the direction affects a large number of different trades and industries.

Sec.

1. What this direction does.

2. Conversion of certain DO rated orders.

AUTHORITY: Sections 1 and 2 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. What this direction does. The purpose of this direction is to provide for the automatic conversion of certain outstanding DO rated orders identified by two digits, which call for delivery after June 30, 1951, of products or materials other than controlled materials under programs of the Department of Defense, the United States Coast Guard, and the Atomic Energy Commission, to the new rating and allotment numbers required by CMP Regulation No. 1. Under CMP Regulation No. 1, certain delivery orders are identified by a DO rating and allotment number consisting

of a letter and one digit (e. g. DO-A-1) instead of a DO rating with two digits (e. g. DO-01). CMP Regulation No. 3 explains, in section 5 of that regulation, how delivery orders bearing a DO rating with two digits may be converted by the persons who placed them. This direction explains how certain rated delivery orders which are identified with two digits shall be automatically converted. The effect of this conversion is to give such delivery orders the preferential status specified in section 5 of CMP Regulation No. 3.

SEC. 2. Conversion of certain DO rated orders. (a) Notwithstanding the provisions of CMP Regulation No. 3, all delivery orders outstanding on the effective date of this direction for products or materials other than controlled materials bearing a DO rating identified by two digits which is listed in column 3 of Schedule I of this direction, calling for delivery after June 30, 1951, are hereby converted to delivery orders bearing a DO rating with the appropriate allotment number as indicated in column 4 of said Schedule I. When a DO rating identified by two digits which is listed in said Schedule I is applied or extended to a delivery order for products or materials other than controlled materials, calling for delivery after June 30, 1951, the person so applying or extending the rating may use the related DO rating with the appropriate allotment number in lieu of the DO rating with two digits, except as provided in paragraph (b) of this section. As converted under this direction, all such delivery orders shall

have the preferential status specified in section 5 of CMP Regulation No. 3.

(b) Under section 6 of CMP Regulation No. 3, a manufacturer of Class B products who has received an authorized production schedule with a DO rating and an allotment number is not permitted to extend any rating received by him from a customer for such production. Such manufacturers shall convert their delivery orders related to such authorized production schedules in the manner provided by section 5 of CMP Regulation No. 3. When a supplier is notified by his customer that a delivery order bearing a DO rating identified by two digits which is listed in column 3 of Schedule I of this direction is converted to a delivery order bearing a DO rating and allotment number which is not contained in column 4 of said Schedule I, such notification shall replace the automatic conversion provided in this direction.

(c) As used in this direction, "delivery order" means any purchase order, contract, shipping, or other instruction calling for delivery of any material or product on a particular date or dates or within specified periods of time, and "controlled material" means steel, copper, and aluminum in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

This direction shall take effect on June 25, 1951.

NATIONAL PRODUCTION
AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

SCHEDULE I

Agency	Type of program	Present 2 digit DO code	Allotment No.
Department of Defense.....	Aircraft.....	01	A-1
Department of Defense.....	Guided missiles.....	02	A-2
Department of Defense.....	Ships.....	03	A-3
Department of Defense.....	Tank-automotive.....	04	A-4
Department of Defense.....	Weapons.....	05	A-5
Department of Defense.....	Ammunition.....	06	A-6
Department of Defense.....	Electronic and communications equipment.....	07	A-7
Department of Defense.....	Fuels and lubricants.....	08	A-8
Department of Defense.....	Clothing and equipage.....	09	A-9
Department of Defense.....	Building supplies and equipment for construction-troop.....	11	B-1
Department of Defense.....	Subsistence.....	12	B-2
Department of Defense.....	Transportation equipment.....	10	B-3
Department of Defense.....	Production equipment.....	19	B-9
Department of Defense.....	Department of Defense construction.....	22	C-2
Department of Defense.....	MRO.....	23	C-3
Department of Defense.....	Miscellaneous.....	21	C-9
Department of Defense.....	Production equipment for certain private contractors.....	98	Z-9
Atomic Energy Commission.....	Construction.....	41, 42	E-1
Atomic Energy Commission.....	Operations (including MRO).....	40	E-2
Atomic Energy Commission.....	Privately owned facilities.....	43, 44	E-3
Coast Guard.....	Aircraft.....	61	A-1
Coast Guard.....	Ships.....	63	A-3
Coast Guard.....	Construction.....	62	C-2
Coast Guard.....	Miscellaneous.....	60	C-9

[F. R. Doc. 51-7385; Filed, June 25, 1951; 11:42 a. m.]

[CMP Regulation 3, Direction 1]

CMP REG. 3—PREFERENCE STATUS OF DELIVERY ORDERS UNDER THE CONTROLLED MATERIALS PLAN

DIR. 1—STATUS OF ORDERS FOR DELIVERY OF CONTROLLED MATERIALS DURING SEPTEMBER 1951

This direction under CMP Regulation No. 3 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of

this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

SECTION 1. It is the purpose of this direction to minimize disruption of mill schedules by allowing sufficient time for conversion of DO rated orders, calling for delivery of controlled materials during September 1951, into authorized controlled material orders.

Sec. 2. Notwithstanding the provisions of sections 4 (a) and 4 (b) of CMP Regulation No. 3, on and prior to July 7, 1951, a DO rated order calling for delivery of controlled material during September 1951 shall have equal preferential status with an authorized controlled material order (as defined in section 2 (q) of CMP Regulation No. 1) for delivery during September 1951. Subsequent to July 7, 1951, the provisions of said sections 4 (a) and 4 (b) of CMP Regulation No. 3 shall govern delivery orders for controlled materials.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This direction shall take effect on June 25, 1951.

NATIONAL PRODUCTION
AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7383; Filed, June 25, 1951;
11:42 a. m.]

[NPA Reg. 4, Direction 2 as amended June 25, 1951]

REG. 4—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

DIR. 2—REPLACEMENT PARTS AND ACCESSORIES FOR EXPORT

This amended direction to NPA Reg. 4 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this amended direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, because of the need for immediate action and because the direction affects many exporters in a wide variety of trades and industries, it has been impracticable to consult with representatives of all affected trades and industries.

This amendment affects Dir. 2 to NPA Reg. 4 by substituting a new section 16. As so amended, Dir. 2 to NPA Reg. 4 reads as follows:

Sec.

1. Purpose and effect.
2. Items subject to this direction.
3. Assignment of rating authority.
4. How to apply the rating.
5. Reports of 1950 MRO exports.
6. Establishment of May-June MRO export quota.
7. Use of rating before approval of quota.
8. Charges against quota.
9. Excess of quota prohibited.
10. Exports requiring validated license.
11. Relation to other NPA regulations.
12. Records to be kept.
13. Applications for adjustment or exception.
14. Communications.
15. Violations.
16. Application during July 1951.

AUTHORITY: Sections 1 to 16 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. Purpose and effect. This direction establishes a procedure

whereby exporters, during the months of May and June 1951, may obtain the right to use a DO-97 rating to secure specified types and quantities of replacement parts and accessories for machinery and equipment, or the materials and components with which to manufacture such replacement parts and accessories, for shipment to all countries except Canada and those countries in subgroup A as defined in the export regulations of the Office of International Trade. This direction does not include delivery of replacement parts or accessories for installation on vessels in United States ports but does include shipment thereof for installation on vessels in foreign ports. It is necessary to issue this direction because NPA Reg. 4 has no application to procurement of materials for use as maintenance, repair, and operating supplies outside of the United States, its territories, and possessions. Although issued as a direction to NPA Reg. 4, this direction is a completely independent document, and no part of NPA Reg. 4 is to be construed as applicable to procurement for export of the items subject to this direction.

SEC. 2. Items subject to this direction. The only items to which this direction applies are replacement parts and accessories used directly for maintenance, repair, or operation of agricultural, industrial, or other commercially employed machinery or equipment but not including materials or components incorporated in or delivered with the product of such machinery or equipment. All such items to which this direction applies are hereinafter collectively referred to as "MRO" but it will be noted that the term "MRO" as used in this direction has a more limited meaning than as used in NPA Reg. 4. This direction does not apply, however, to procurement of any items appearing in List A of NPA Reg. 2 (other than farm equipment) nor any items appearing in Table I of NPA Reg. 4. These excluded items are the following:

LIST A OF NPA REG. 2

Electric power.
Fertilizer, commercial.
Food.
Fuels, solid.
Gas.
Petroleum.
Source and fissionable materials.
Transportation services, domestic, storage and port facilities.
Communications services.
Ice.
Mineral aggregates:
Sand.
Gravel.
rushed stone.
Slag.
Ores and scrap.
Steam heating, central.
Transportation services, other.
Waste paper.
Water.
Wood pulp.

TABLE I, OF NPA REG. 4

All basic, organic, or inorganic chemicals, their intermediates and derivatives other than compounded end-products not customarily sold as chemicals.
Items appearing in List A of NPA Order M-47, as the same may be amended from time to time.
Nylon fibers and yarns.
Packaging materials and containers.

Paint, lacquer, and varnish.
Paper and paper products.
Paperboard and paperboard products.
Photographic film.
Rails, tie plates, track spikes, splice bars, rail joints, frogs, and switches.
Rubber tires and tubes.

SEC. 3. Assignment of rating authority. Exporters are hereby authorized, during the months of May and June 1951, to apply a DO-97 rating, subject to the quantity limitations and other provisions set forth in subsequent sections of this direction, to obtain for export (as permitted by applicable export controls) to any country except Canada and subgroup A countries, any MRO items to which this direction applies and for which such exporters then hold firm export orders, or, in the case of manufacturing exporters, any materials or components (except those included in List A of NPA Reg. 2 and in Table I of NPA Reg. 4) incorporated or to be incorporated in any such items. In any case where an exporter might properly apply this rating to secure such items for export (or their constituent materials or components), but instead supplies them from inventory during May or June 1951, he may apply the rating to replace in inventory such items (or their constituent materials or components). Exporters remain subject, however, to the inventory controls of NPA Reg. 1.

SEC. 4. How to apply the rating. To apply the rating authorized by section 3, the exporter places on his order, or on a separate piece of paper attached to the order or clearly identifying it, the symbol "DO-97" together with the words "Certified under Direction 2 to NPA Reg. 4." This certification, which must be signed by an authorized person, constitutes a representation to the supplier and to NPA that the exporter is authorized to use the rating to secure the materials ordered.

SEC. 5. Reports of 1950 MRO exports. In order to qualify for the right to use the DO-97 rating, and before making any use of it, an exporter must prepare and submit to the Office of International Trade, Department of Commerce, Washington 25, D. C., a signed report in duplicate, on OIT Form IT-818 showing the total dollar value (computed f. a. s., not c. i. f.) of his exports of MRO in 1950 to all countries except Canada and subgroup A countries. Only those replacement parts and accessories which are subject to this direction, as provided in section 2, may be included in such calculation and statement. The total dollar value shown must be broken down into the categories set forth below (as provided in the form):

(a) Replacement parts for the following types of machinery and equipment:

Agricultural.
Construction.
General industrial.
Metalworking.
Mining (including oil field).
All other types of machinery and equipment.

(b) Accessories:

Cutting tools.
All other accessories.

SEC. 6. Establishment of May-June MRO export quota. Upon receipt of the

exporter's report described in section 5, the Office of International Trade, after making such revisions and adjustments as may be appropriate, will compute and certify to the exporter, as his combined MRO export quota for the 2 months, May and June 1951, one-sixth of the total dollar value (as revised or adjusted) of his 1950 MRO exports to all countries except Canada and subgroup A countries. Such certification, duly authenticated by the Office of International Trade, will be made on the duplicate copy of the exporter's report (OIT Form IT-818) which will then be returned to him, and will take the following form:

Your MRO export quota for May-June 1951 is hereby approved and established under Direction 2 to NPA Reg. 4 in the aggregate amount of \$-----.

SEC. 7. Use of rating before approval of quota. Upon filing with the Office of International Trade his report of 1950 MRO exports pursuant to section 5, an exporter may proceed (subject to section 10 of this direction) to apply the DO-97 rating assigned by section 3 of this direction without waiting for certification of his approved MRO export quota under section 6 of this direction, but he may make such advance use of the rating only to obtain MRO items (and their constituent materials or components) having an aggregate export sales value (f. a. s.) not exceeding one-twelfth of his reported total MRO exports for 1950. He may make no further use of the rating until he has received the certified approval of his MRO export quota for the May-June period.

SEC. 8. Charges against quota. An exporter for whom an MRO export quota is established under section 6 of this direction must charge against such quota, in the dollar amount of their export sales value (f. a. s.), all MRO items subject to this direction which he orders (or for the manufacture of which he orders constituent materials or components) in the months of May and June 1951 for export to countries other than Canada and subgroup A countries. He must charge all such items against his quota regardless of whether or not he uses the DO-97 rating to procure them or their constituent materials or components: *Provided, however,* That if he uses the DO-97 rating to procure for export items (or constituent materials or components for items) having an aggregate export sales value not exceeding 20 percent of his approved MRO export quota, he need not charge against such quota the items which he procures (or for which he procures constituent materials or components) without use of a rating.

SEC. 9. Excess of quota prohibited. An exporter for whom an export MRO quota is established under section 6 of this direction may not place orders in May and June 1951 for MRO items for export, or for materials or components to be incorporated in MRO items for export, which are chargeable against his quota, having an aggregate export sales value (f. a. s.) in excess of the amount of his quota. Orders for replacement of inventory are to be treated in the same way as orders for items for direct export or

as orders for materials or components to be incorporated in items for direct export.

SEC. 10. Exports requiring validated license. No person may use the DO-97 rating to procure any item (or materials or components for any item) requiring a validated license for its export unless such person has been granted and then holds an unexpired validated license for its export issued by the Office of International Trade.

SEC. 11. Relation to other NPA regulations. NPA Reg. 2, which sets forth the basic rules of the priorities system, governs the use and extendability of the DO-97 rating assigned by this direction. In general, when an exporter applies the DO-97 rating to an order pursuant to this direction, his supplier may extend the rating to secure the item rated or the materials and components needed for its manufacture. The DO-97 rating may not be extended, however, to secure materials included in List A of NPA Reg. 2 nor the materials included in Table I of NPA Reg. 4. Nothing in this direction shall be construed as relieving any person from the obligation of complying with such limitations on acquisition or use of materials or such other provisions as may be contained in any applicable regulation or order of the NPA or with any order of any other competent authority.

SEC. 12. Records to be kept. Each person for whom an approved MRO quota is established pursuant to section 6 of this direction must make and preserve for 2 years accurate and complete records showing all orders, receipts, and shipments of MRO for export during May and June 1951, regardless of whether rated or not, and all other relevant data, in sufficient detail to permit an audit that determines for each transaction that the provisions of this direction have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records disclose the above data and supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals. All records required by this direction shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

SEC. 13. Applications for adjustment or exception. Any person affected by any provision of this direction may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this direction, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program.

Each request shall be submitted in writing, in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 14. Communications. All communications concerning this direction shall be addressed to the Office of International Trade, Washington 25, D. C., Ref: Dir. 2 to NPA Reg. 4.

SEC. 15. Violations. Any person who wilfully violates any provision of this direction or who wilfully conceals a material fact or furnishes false information in the course of operation under this direction is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

SEC. 16. Application during July 1951. This direction, as originally issued on May 1, 1951, provided that it would expire June 30, 1951. However, in order to allow additional time for preparation of a new regulation, the operation of this direction is hereby extended through July 1951, subject to the following provisions:

(a) Upon issuance and the taking effect of CMP Regulation No. 5, this direction shall be considered as a direction to that regulation.

(b) The DO-97 rating authorized by section 3 of this direction for use in May and June 1951, may also be used during July 1951, except that after CMP Regulation No. 5 takes effect, the rating symbol to be used shall be DO-MRO.

(c) An exporter's MRO export quota for July 1951 is 60 percent of the quota certified to him as his May-June quota pursuant to section 6 of this direction.

(d) An exporter who has no certified May-June MRO export quota may, upon filing the report prescribed by section 5 of this direction, secure a certified quota for July 1951. In such event section 7 of this direction shall have no application.

(e) MRO items ordered in July 1951 shall be charged against the exporter's July quota to the same extent, and subject to the same prohibition against exceeding the quota, as provided in sections 8 and 9 of this direction, respectively, with regard to May and June 1951.

(f) The record-keeping and other provisions of this direction applicable to the May-June period shall be applicable in like manner to July 1951.

NOTE: All reporting and record-keeping requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 USC 139-139F).

This direction shall take effect on June 25, 1951.

NATIONAL PRODUCTION
AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7386; Filed, June 25, 1951;
11:42 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9797]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Report and order of the Commission. On September 13, 1950, the Commission adopted a Notice of Proposed Rule Making (Docket No. 9797) with respect to the revision of Parts 7 and 8 of the Commission's Rules Governing Coastal and Marine Relay Services, and Ship Service, respectively. This notice provided for the filing of comments on the proposed revision on or before November 15, 1950. Thereafter, on November 13, 1950, the Commission adopted a Further Notice of Proposed Rule Making with respect to amending the proposed revision by adding thereto additional proposed rules, and by correcting certain errors and inconsistencies therein. In addition, at that time (November 13, 1950), it appeared desirable to delete from the proposed Part 7 of the Rules, provisions relating to procedures for filing applications for authority under section 214 of the Communications Act of 1934, as amended, to discontinue, reduce or impair service provided by public coast stations. Accordingly, the deletion was made in the Further Notice of Proposed Rule Making. Proposed amendments to Part 63 of the Commission's Rules, "Extension of Lines and Discontinuance of Service by Carriers", are set forth in a separate Notice of Proposed Rule Making, Docket No. 9828, embodying provisions covering applications for authority to discontinue, reduce or impair service provided by public coast stations. The Further Notice also extended the time within which comments might be filed from November 15 to December 15, 1950, and provided that comments in reply to the original comments might be filed on or before January 2, 1951. Further, on December 27, 1950, the Commission denied requests made by interested parties for an extension of time, beyond December 15, 1950, within which written statements or briefs might be filed.

After consideration of the submitted comments many of the proposed rules were changed to conform substantially with the relevant comments received thereon. One of the proposed new rules (§ 7.135—Suppression of receiver radiation) has been deleted, pending further study by the Commission of the subject covered by that proposed rule.

Certain other of the proposed rules on which comments were received present substantial issues on which it appears appropriate to hold oral argument before making a final determination thereon. Accordingly, concurrently with the issuance of this report and order, there is being issued an order designating such matters for oral argument. Pending the conclusion of this proceeding, however, relevant portions of former Parts 7 and

8 will be continued under new section numbers in the revised rules to avoid a hiatus.

The remainder of the rules on which comments were received are ordered finalized without substantial modification since it did not appear that the public interest, convenience, or necessity would be served by incorporating the suggested changes. The Commission, however, has given careful consideration to all the suggestions and the significant comments which suggested changes in these rules are discussed below together with the reasons for their rejection.

(1) Section 8.304—Requiring public radiotelephone stations on board ships to be available to the shipboard public. Comments received suggest that a shipboard radiotelephone station, when licensed as a public ship station, should not in fact be available to the shipboard public unless it is also a common carrier (tariffs on file establish charges for the service), as in many instances the purpose of making the (radiotelephone) installation is solely to provide the master with an additional means of communication which is more satisfactory than radiotelegraphy under certain conditions for the conduct of business (ship to shore) and operational communication (inter-ship). The comments alleged that radiotelephone installations aboard ships of the class to which reference is made are almost invariably located on the bridge of the vessel and that it would be unrealistic, therefore, to expect that the telephone facilities could be relinquished to others as a matter of practice without causing undue complication to the operation of the vessel. The comments further indicate that the master should have the right to restrict "public" use of the ship communication facilities to those facilities which are "common carrier" in fact.

Since one or more extension telephones could be readily provided, not located on the bridge or in other restricted quarters, the Commission is of the opinion that all those facilities of a public ship station, which are available through the licensing of public correspondence radio-channels, should be available to any person on board subject to the limitations set forth in § 8.304. Under such circumstances, ship navigational and business communications are afforded appropriate protection by means of the order of priority of communications (§§ 8.176 and 8.177).

(2) Rules requiring equipment modifications by specified dates. Comments were received on various of the proposed rules which require equipment modifications by specified dates. It was suggested to the Commission that an informal meeting be held to "develop a program of appropriate and equitable timing for each required change."

In the interest of expediting completion of the framework of the new rules, the finalized rules in this regard have not been changed at this time in any substantial detail. However, it is contemplated that consideration will be given, at a future appropriate date, to the feasibility of devising a "program" as suggested.

(3) Rules relating to plan of assignment of VHF frequencies. The rules establish VHF facilities for radiotelephone public correspondence. The two duplex radio-channels allocated for this service are (1) 161.9 Mc coast paired with 157.4 Mc ship, and (2) 162.0 Mc coast paired with 157.1 Mc ship. The availability of these channels is subject to certain controlling factors set forth in Part 2 of the Commission's Rules, and by certain international agreements. These controlling factors are:

(a) One of these channels (161.9 and 157.4 Mc) is, by certain international agreement, the common international channel for ship-shore public correspondence. Under the limitations of Part 2 of the Commission's Rules, however, one of these frequencies (161.9 Mc) is not available for the maritime service in the area of Chicago, Illinois;

(b) Further, under the limitations of Part 2 of the Commission's rules, both of these channels cannot be licensed in the same area until one of them (161.9 and 157.4 Mc) is first in use to full capacity; and

(c) Further, under the limitations of Part 2 of the Commission's rules, one of these channels (162.0 and 157.1 Mc) is assignable only at locations where interference will not be caused to the service of any United States Government station. It has not been possible to obtain a list of specific locations or areas where such interference may be expected to occur if this channel were to be used at those locations or in those areas.

The rules are drafted to take account of these factors. It was suggested that it would be desirable to establish some plan (not specifically stated) to assure alternate assignment of each of these two channels at adjacent Great Lakes ports, without qualifying conditions, but the limiting factors set forth in Part 2 of the Commission's rules do not permit the adoption of such a plan. Even if it were possible, the Commission is of the opinion that it would not be good regulatory practice to designate, arbitrarily, specific lake ports to the exclusion of others which are to utilize these channels. As an alternative method, the rules do not exclude any port in any area (except necessarily the Chicago area in respect to one of these channels) as eligible for a public coast station using either or both of these channels. The rules do, however, indicate that certain ports of higher importance (based on official shipping statistics) shall be assured of priority of this service in relation to other ports of less importance (§ 7.308). While some of the comments do not favor such listing of specific ports by regulation, the Commission is of the opinion that the rule provisions intended to assure satisfactory VHF public service to the more important ports is sound regulatory policy.

Many objections were received to the unavailability under the proposed rules of the duplex channel 161.9 Mc (coast) and 157.4 Mc (ship) at Chicago. It was claimed that Chicago is an important port upon which no discrimination should be placed, that this common international radio-channel should be assign-

able at Chicago as it is elsewhere, and that equipment and operational difficulties will arise as the result of this restriction. However, such comments are, in effect, directed toward the same restriction now contained in Part 2 of the Commission's Rules, and responsive action would require modification of Part 2 which issue is not included in Docket 9797. The Commission has under advisement the question of initiating at an early date Rule Making procedures for the purpose of relieving this situation.

(4) Section 7.105 (b)—Requiring limitation of height of VHF coast station antennas. A number of unfavorable comments were received with respect to the proposed control of VHF coast station antenna heights to limit the interference range of public coast stations. No factual information, however, was supplied to support such comments. Hence, the Commission holds to the opinion that this specific proposal is sound from an engineering point of view to accomplish the intended purpose.

(5) Section 7.351—Precluding the operation of limited coast stations by common carriers. Comments recommended that this rule should be amended to permit common carriers to be licensees of limited coast stations. However, to permit limited coast stations to be licensed to and operated by common carriers for the purpose of providing communications would be inconsistent with the basic theory upon which the limited coast station classification is based.

Following is a summary of certain major provisions of the rules as finally adopted:

Ship reporting service. The rules as finalized provide for rendition by limited coast stations of ship arrival and departure harbor reporting service. This kind of service is currently rendered by the Western Union Telegraph Company at the port of New York under Experimental Class 2 licenses.

Radiotelephone distress frequency. The revised rules are intended to enhance safety of life at sea by inaugurating the provision of a radiotelephone distress frequency (2182 kilocycles) for the maritime mobile service of the United States. This action is in accordance with proposed international regulations which are pending finalization.

Petroleum industry stations on rigs or moored barges. Radiotelephone stations of the petroleum industry located on rigs or moored barges in certain United States coastal waters which have heretofore been licensed as Experimental Class 2 (Maritime), for operation on maritime mobile frequencies in the 2-3 megacycle band for conditional communication with public coastal harbor stations, will, under § 7.5 (d) of the revised rules, be regularized as Marine Fixed stations and will be permitted to communicate with Public Class II coast stations using telephony.

Nature of public ship service. A public ship station is a ship station (not necessarily a common carrier) open to public correspondence. In addition to such messages as are necessary for compliance with § 8.303 of the attached rules, and except as may be otherwise limited by the attached rules governing the use

of particular frequencies or by the terms of the station license, a public ship station within the scope of its normal service, without discrimination and upon reasonable demand shall provide a service of public correspondence for any person who, while on board in any status or capacity requests the service covering any subject matter that legally may be transmitted by radio: *Provided, however, That unless specifically authorized by the Commission in individual cases in advance, this service shall not be authorized to be provided when the ship carrying the station is out of service as a ship.*

Nature of service of limited coast and ship stations, and marine-utility stations. The revised rules provide for the establishment of certain new classes of stations specified as Limited Coast, and Limited Ship stations. Such stations will not be open to public correspondence and their purpose will be to serve the operational and business needs of ships. The establishment of this class of station will provide for regularization of the present Experimental Class 2 VHF Specialized Operational Radiotelephone Maritime stations authorized for the purpose of conducting experimental radiotelephone communication in connection with the development and testing of ship-to-ship and ship-to-shore radiotelephone systems designed to serve the business and operational needs of ships. The "Limited" class of stations will also provide for the continuance of the service of stations of the type heretofore classified as Limited Governmental, which classification is omitted from the revised rules.

A new class of limited station is created which will be authorized to operate either on ship or on shore. The station will be known as a Marine-Utility station. It will be of portable nature and of low power, using VHF radiotelephone frequencies and will be confined in its operation to a designated local geographic area. This type of station is intended to serve the general short-range communication needs of maritime interests such as harbor pilots who find small portable sets of communication equipment useful in the performance of their duties. Use of this class of station either aboard ship or ashore will be permissible under a single station license authorizing this flexibility in location.

Type approval and type acceptance of radio and radar equipment. The revised rules provide for type approval or type acceptance of transmitters and other radio equipment to be used for specific purposes. Type acceptance will be given for a readily identifiable type of transmitting equipment upon proper showing made by the manufacturer or applicant that the equipment is capable of meeting requirements for licensing purposes. Type approval, as distinguished from type acceptance, will be given by the Commission only after suitable tests have been made to determine the ability of a type of equipment to meet specific requirements for which type approval is requested. With the exception of radar equipment, type approval is applicable only to radio equipment to be compulsorily installed on ships for safety

purposes (such as main transmitters, emergency transmitters, auto-alarms, etc.). The revised rules provide for type approval of radar equipment to be used in radar installations either on ship or on shore since such equipment, although not compulsorily installed, requires special care in testing and special testing techniques to determine its adequacy for licensing purposes.

Waiver of operator license requirement for VHF ship stations under certain conditions. Provision is made in Subpart F of Part 8 of the revised rules for waiver of the requirement of a licensed operator during normal course of service of certain classes of ship stations using telephony only on frequencies above 30 megacycles, exclusively. It is intended this waiver will encourage the use of VHF telephony by ship owners who do not need to use frequencies lower than 30 megacycles. The waiver is conditioned upon the use by a ship station of equipment type accepted by the Commission for this purpose. Under the waiver the equipment must not be that required by statute or treaty, and all tests and adjustments must be made by a duly licensed operator.

In view of the foregoing, the Commission is of the opinion that due consideration has been given to the comments filed in Docket No. 9797 and finds that the public interest, convenience, and necessity will be served by the adoption of the rules herein ordered. Accordingly, pursuant to authority contained in the Communications Act of 1934, as amended: *It is ordered, This 13th day of June 1951, that:*

1. The foregoing report is adopted.
2. The rules set forth in the attachment hereto are adopted and shall become effective on the 23d day of July 1951.
3. The present Parts 7 and 8 of the Commission's Rules Governing Coastal and Marine Relay Services, and Ship Service, respectively, are repealed effective the 23d day of July 1951.

Adopted: June 13, 1951.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

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Appendix II—International Radio Regulations in Force Between the Government of the United States and Other Contracting Governments.

AUTHORITY: §§ 7.1 to 7.52 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

§ 7.1 *Basis and purpose.* (a) The basis for the rules in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. The rules in this part are issued pursuant to the authority contained in the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate common carriers of interstate and foreign communications to regulate radio transmissions and to issue licenses for radio stations.

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which portions of the radio spectrum may be made available for the use of radio for maritime operations which require radio transmitting facilities on land. For the purpose of this part, the following definitions shall be applicable.¹

SUBPART A—DEFINITION OF TERMS

§ 7.2 *General.*—(a) *Commission.* The term "Commission" means the Federal Communications Commission.²

(b) *Statutes and international agreements.* (1) Communications Act: The Communications Act of 1934, as amended.

(2) International Radio Regulations: The Radio Regulations in force annexed to the International Telecommunications Convention, Atlantic City, 1947, as between the Government of the United States and other Contracting Governments; and such preceding international radio regulations as remain in force between the Government of the United States and other Contracting Governments.

(c) *Telecommunication.* Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems.

(d) *Radiocommunication.* Any telecommunication by means of Hertzian waves.

(e) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(f) *Station.* A separate radio transmitter, or a combination of radio transmitter(s) and radio receiver(s), including the accessory equipment required for carrying on a radio communications service.

¹ For other definitions, refer to Part 2, Rules Governing Frequency Allocations and Treaty Matters; General Rules and Regulations; Part 8, Rules Governing Stations on Board Ships in The Maritime Services; and Part 14, Rules Governing Radio Stations in Alaska—Other than Amateur and Broadcast.

² The address of the Commission's principal office is "Federal Communications Commission, Washington 25, D. C."

(g) *Station authorization.* Any valid construction permit, station license, or special temporary authority for use of a station, issued by the Commission.

(h) *Person.* Includes an individual, partnership, association, joint stock company, trust, or corporation.

(i) *Permittee.* A person who holds a valid station construction permit.

(j) *Station licensee.* A person who holds a valid station license or special temporary authorization.

(k) *Operator licensee.* A person who holds a valid license or valid permit for the actual operation of a licensed station.

(l) *Hours of service.* The period of time during each calendar day when a station is used, in conformity with the terms of the station authorization, for the rendition of its normal service.

(m) *Day.* Where the word "day" is applied to the use of a specific frequency assignment or to a specific authorized transmitter-power, such use of the word "day" shall be construed to mean transmission on such frequency assignment or with such authorized transmitter-power during that period of time included between one hour after local sunrise and one hour before local sunset.

(n) *Landing area.* Any locality, either of land or water, including airports and intermediate landing fields, which is used, or approved for use, for the landing and take-off of aircraft whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(o) *Radio district.* A prescribed geographic area within the United States which, for the purpose of official inspection of radio stations in behalf of the Commission, is under the jurisdiction of a Commission engineer-in-charge whose official address and specific area of inspection associated therewith are designated by Appendix I to this part.

(p) *Commercial transport vessel.* Any ship or vessel which is used primarily in commerce (1) for transporting persons or goods to or from any harbor(s) or port(s) or between places within a harbor or port area, or (2) in connection with the construction, change in construction, servicing, maintenance, repair, loading, unloading, movement, piloting, or salvaging of any other ship or vessel.

(q) *Mile.* As used in this part, the term "mile" means a statute mile or 5,280 feet.

(r) *Installed.* As used in this part with respect to the requirements of radio apparatus in stations on land subject to this part, the term "installed" means installed in the particular station to which the pertinent rule or regulation involving the use of this term is applied.

§ 7.3 *Maritime mobile service.*—(a) *Mobile service.* A service of radiocommunication between mobile and land stations, or between mobile stations.

(b) *Maritime mobile service.* A mobile service between ship stations and coast stations, or between ship stations.³

³ Aircraft stations, when transmitting on frequencies allocated to the maritime mobile service, may communicate in this service with ship stations and coast stations.

(c) *Mobile station.* A station in a mobile service intended to be used while in motion, or during halts at unspecified points.

(d) *Land station.* A station in the mobile service not intended for operation while in motion.

(e) *Coast station.* A land station in the maritime mobile service carrying on a service with ship stations.⁴

(f) *Public coast station.* A coast station open to public correspondence.

(g) *Limited coast station.* A coast station, not open to public correspondence, which serves the operational and business needs of ships.

(h) *Class I coast station.* A coast station (public or limited) licensed to provide a maritime mobile service to ships at sea, including such service over distances up to several thousand miles, whose frequency assignment for this purpose includes appropriate frequencies below 150 kc or between 5,000 kc and 25,000 kc.

(i) *Class II coast station.* A coast station (public or limited) licensed to provide a maritime mobile service, primarily of a regional character, whose frequency assignment does not include any frequency below 150 kc, or between 5,000 kc and 25,000 kc except on a secondary basis under specified conditions intended to minimize the possibility of interference to other stations having priority on these frequencies.

(j) *Class III coast station.* A coast station (public or limited) licensed to provide a maritime mobile service, primarily of a local character, whose frequency assignment does not include any frequency below 25,000 kc.

(k) *Operational designator.* The letter "A", "B", or "F", appended to the term "class I", "class II", or "class III", as these terms are defined in paragraphs (h), (i), and (j) of this section, designates that the coast station is licensed to render its normal service by means of (A) telegraphy, (B) telephony, or (F) facsimile.⁴

(l) *Marine-utility coast station.* A coast station, readily portable for use as a limited coast station at unspecified points ashore within a designated local area.

(m) *Marine-utility ship station.* A ship station, readily portable for use as a limited ship station on mobile vessels within a designated local area.

(n) *Marine-utility station.* A coast or ship station in the maritime mobile service having a frequency assignment which is available for both marine-utility coast stations and marine-utility ship stations and licensed under one station authorization to operate as either a marine-utility coast station or a marine-utility ship station according to its location, pursuant to the provisions of paragraphs (l) and (m) of this section, at the time it is being operated.

⁴ Operational designators are used individually or in combinations of two or more, as may be appropriate to a particular coast station. Examples of coast station classification for regulatory and administrative purposes in accordance with these rules: Public I-A, Public III-B, Limited II-A, Limited III-BF, Public II-AB, etc.

§ 7.4 *Maritime radiolocation service*—(a) *Radiolocation*. Determination of a position or of a direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves.

(b) *Radiolocation service*. A service involving the use of radiolocation.

(c) *Maritime radiolocation service*. A radiolocation service intended for the benefit of ships.

(d) *Radiolocation station*. A station in the radiolocation service.

(e) *Radiolocation land station*. A station in the radiolocation service not intended for operation while in motion.

(f) *Shore radiolocation station*. A radiolocation land station performing a maritime radiolocation service.

(g) *Shore radiolocation-training station*. A shore radiolocation station used solely to train and qualify persons in the effective use of maritime radiolocation.

(h) *Shore radiolocation-test station*. A shore radiolocation station used solely for testing maritime radiolocation apparatus incident to its manufacture, installation, repair, servicing and/or maintenance.

(i) *Radionavigation*. Radiolocation intended solely for the determination of position or direction or for obstruction warning, in navigation.

(j) *Radionavigation service*. A radiolocation service involving the use of radionavigation.

(k) *Maritime radionavigation service*. A radionavigation service intended for the benefit of ships.

(l) *Radionavigation station*. A station in the radionavigation service.

(m) *Radionavigation land station*. A station in the radionavigation service not intended for operation while in motion.

(n) *Shore radionavigation station*. A radionavigation land station performing a maritime radionavigation service.

(o) *Radar*. A radiolocation system where transmission and reception are carried out at the same location, and which utilizes the reflecting or retransmitting properties of objects in order to determine their position.

(p) *Primary radar*. Radar using reflection only.

(q) *Secondary radar*. Radar using automatic retransmission on the same or on a different radio frequency.

(r) *Shore-radar station*. A shore radionavigation station utilizing radar for the purpose of detecting above-water objects (primarily ships) with a determination of their direction and distance from the station.

(s) *Radio direction-finding*. Radiolocation in which only the direction of a station is determined by means of its emission.

(t) *Radio direction-finding station*. A radio location station intended to determine only the direction of other stations by means of transmissions from the latter.

(u) *Marine radiobeacon station*. A radionavigation land station, the emissions of which are intended to enable a ship station to determine its bearing or its direction in relation to the marine radiobeacon station.

§ 7.5 *Maritime fixed services*—(a) *Fixed service*. A service of radio-communication between specified fixed points.

(b) *Fixed station*. A station in the fixed service.

(c) *Operational fixed station*. A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the public safety, industrial, land transportation, marine, or aviation services.

(d) *Marine fixed station*. A fixed station, used primarily for safety communication⁶ which is established at a designated location in a water area of, or contiguous to, the United States, and isolated from the mainland by water or marsh.

(e) *Marine control station*. An operational fixed station used to control the emissions or operation of a coast station at a separate location.

(f) *Marine repeater station*. An operational fixed station used to retransmit, to a point of destination or to a message routing center, radiocommunications received at a coast station from ship or aircraft stations in the maritime mobile service.

(g) *Marine relay station*. An operational fixed station used for communication between coast stations or between a coast station and an associated remote control point, which is intended to expedite the movement of message traffic to or from mobile stations in the maritime mobile service.

(h) *Marine receiver-test station*. A fixed station used to simulate transmission from a ship station to a coast station for the purpose of periodically testing the normal receiving installation of a licensed coast station to determine that such receiving installation is in good working condition.

§ 7.6 *Developmental maritime stations on land*—(a) *Developmental land station*. A land station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government mobile service which has been specifically allocated the authorized frequency (or frequencies) of the developmental land station.

(b) *Developmental radiolocation station*. A radiolocation station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government radiolocation service (including the non-government radionavigation service) which has been specifically allocated the authorized frequency (or frequencies) of the developmental radiolocation station.

(c) *Developmental fixed station*. A fixed station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government fixed service which has been specifically allocated the authorized frequency (or frequencies) of the developmental fixed station.

(d) *Specific classification*. The specific classes of developmental stations on

land licensed in the maritime mobile service, the maritime radiolocation service (including maritime radio navigation service), and the maritime fixed services, are the same as the classes defined in preceding sections of this part; however, for purposes of identification, the particular class of station is followed by the parenthetical indicator "(developmental)"; for example: "Public Class III coast station (developmental)".

§ 7.7 *Operational*—(a) *Safety communication*. The transmission or reception of distress, alarm, urgent, or safety signals, or any communication preceded by one of these signals, or any form of radiocommunication which, if delayed in transmission or reception, may adversely affect the safety of life or property; and occasional test transmission or reception as necessary for determining whether or not the radio equipment is in good working condition for purposes of safety.

(b) *Superfluous radiocommunication*. Any transmission that is not necessary to the conduct of the service for which the station is licensed.

(c) *Harmful interference*. Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service, or obstructs or repeatedly interrupts a radio service operating in accordance with applicable laws, treaties, and regulations.

(d) *Distress signal*. (1) The distress signal is the radiotelegraph or radiotelephone signal which indicates that a ship, aircraft, or other vehicle is threatened by grave and imminent danger and requests immediate assistance.

(2) In radio telegraphy, the international distress signal consists of the group "three dots, three dashes, three dots", transmitted as a single signal in which the dashes are emphasized so as to be distinguished clearly from the dots.

(3) In radiotelephony, the international distress signal consists of the oral enunciation of the word "Mayday", pronounced as the French expression "m'aider".

(e) *Alarm signal*. The international radiotelegraph signal, consisting of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second, having for its sole purpose the actuation of automatic devices giving warning by means of an alarm that a distress call or message is about to follow, or that an urgent cyclone warning is about to be sent by a coast station authorized to do so.

(f) *Urgency signal*. (1) The urgency signal is the radiotelegraph or radiotelephone signal which indicates that the calling station has a very urgent message to transmit concerning the safety of a ship, aircraft, or other vehicle, or of some person on board or within sight.

(2) In radiotelegraphy, the international urgency signal consists of three repetitions of the group "XXX", sent before the call, with the letters of each

⁶ See § 7.7 (a) defining "safety communication".

⁷ In case of distress, transmission of this particular signal is intended to insure recognition of a radiotelephone distress call by stations of any nationality.

group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international urgency signal consists of three oral repetitions of the word "Pan" pronounced as the French word "panne" and sent before the call.

(g) *Safety signal.* (1) The safety signal is the radiotelegraph or radiotelephone signal which indicates that the station sending this signal is ready to transmit a message concerning the safety of navigation or giving important meteorological warnings.

(2) In radiotelegraphy, the international safety signal consists of three repetitions of the group "TTT", sent before the call, with the letters of each group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international safety signal consists of three oral repetitions of the French word "Securite", sent before the call.

(h) *Distress traffic.* All messages relative to the immediate assistance required by the ship, aircraft, or other vehicle in distress.

(i) *500 kilocycles silent period.* The three-minute period twice an hour beginning at x h 15 and x h 45, Greenwich mean time (GMT), during which the International Radio Regulations require that all transmissions (except for certain emissions designated in those Regulations) must cease on all frequencies within a designated frequency-band centered on 500 kc.

(j) *Watch.* The act of listening for or to sound produced by a telephone receiver when the electric wave energy at audio frequency supplied to the telephone receiver—

(1) Results from simultaneous interception and detection of Hertzian waves of a designated radio frequency or frequencies, and

(2) Is substantially equivalent in frequency to the audio frequency or frequencies generated by detection of the intercepted Hertzian waves.

(k) *Calling.* Transmission from a station solely to secure the attention of another station, or other stations, for a particular purpose.

(l) *Working.* Radiocommunication carried on, for a purpose other than calling, by any station or stations using telegraphy, telephony, or facsimile.

(m) *Control point.* An operating position associated with a particular station or stations which is—

(1) Under the control and supervision of the station licensee or his authorized agent; and

(2) A place at which the required monitoring and control facilities are available; and

(3) A place at which a duly licensed operator (or other person if the requirement for a licensed operator is waived by the Commission) responsible for the operation of the transmitter(s) is stationed.

(n) *Dispatch point.* A place from which radiocommunication may be transmitted under supervision of a responsible operator at a control point,

§ 7.8 *Technical*—(a) *Radio frequency.* Any frequency between 10 kilocycles per second and 3,000,000 megacycles per second.

(b) *Audio frequency.* A frequency corresponding to the frequency of a normally audible sound wave, usually between 20 and 15,000 cycles per second.

(c) *Hertzian waves.* Electromagnetic waves of frequencies between 10 kc and 3,000,000 Mc.

(d) *Emission.* Any radiation of energy by means of Hertzian waves.

(e) *Spurious emission.* Any emission from a station at a frequency or frequencies outside an authorized frequency-band.

(f) *Telegraphy.* A system of telecommunication for the transmission of written matter by the use of a signal code.

(g) *Telephony.* A system of telecommunication set up for the transmission of speech or, in some cases, other sounds.

(h) *Facsimile.* A system of telecommunication for the transmission of fixed images with a view to their reception in a permanent form.

(i) *Selective-calling.* A means of calling in which signals are transmitted in accordance with a prearranged code for the purpose of operating a particular automatic attention device in use at the selected station whose attention is sought.

(j) *Crystal oscillator.* A generator of alternating-current energy, the frequency of which is determined by properties of a piezoelectric crystal.

(k) *Carrier frequency.* The frequency of the carrier.¹

(l) *Authorized carrier frequency.* A specific carrier frequency authorized for use by a station, from which the actual carrier frequency is permitted to deviate, solely because of frequency instability, by an amount not to exceed the frequency tolerance.

(m) *Frequency tolerance.* The extent to which a carrier frequency (or when a carrier is not present, a frequency coinciding with the center of an emission-bandwidth) is permitted, by applicable regulations or by the terms of a station authorization, to depart, solely because of frequency instability, from the authorized carrier frequency (or, when a carrier is not present, from the assigned frequency).

(n) *Frequency-band.* A continuous range of frequencies extending between two designated limiting frequencies.

(o) *Bandwidth.* The number of cycles or kilocycles per second expressing the difference between the limiting frequencies of a frequency band.

(p) *Radio-channel.* A frequency-band, sufficient in width to permit its use for radiocommunication, comprised of the emission-bandwidth, the interference guard bands, and the frequency tolerance.

(q) *Emission-bandwidth.* The band of frequencies comprising 99 per cent of the total radiated power extended to include any discrete frequency on which

the power is at least 0.25 per cent of the total radiated power.²

(r) *Interference guard bands.* The two frequency-bands additional to and on either side of, the authorized frequency-band, which may be provided to minimize the possibility of interference between different radio-channels.

(s) *Authorized emission-bandwidth.* A specific emission-bandwidth authorized for use by a station.

(t) *Authorized frequency band.* Authorized for use by a station.

(u) *Assigned frequency.* The frequency coinciding with the center of the frequency-band in which the station is authorized to work; this frequency does not necessarily correspond to any frequency in an emission.³

(v) *Frequency assignment.* The specific frequency or frequencies authorized for the emission(s) of a particular station; expressed for each radio-channel by—

(1) The authorized carrier frequency, the frequency tolerance, and the authorized emission-bandwidth,

(2) The authorized emission-bandwidth in reference to a specific assigned frequency (when a carrier does not exist), or

(3) The authorized frequency-band (when a carrier does not exist).

(w) *Modulation.* The process of producing a wave, some characteristic of which varies as a function of the instantaneous value of another wave called the modulating wave.

(x) *Modulation factor.* (1) In an amplitude-modulated wave, the ratio of half the difference between the maximum and minimum amplitudes to the average amplitude.

(2) In a frequency-modulated wave, the ratio of the actual frequency swing to the frequency swing defined as 100 per cent modulation.

(y) *Percentage modulation.* The modulation factor expressed in percent.

(z) *Amplitude modulation (AM).* Modulation in which the amplitude of a wave is the characteristic subject to variation.

(aa) *Frequency modulation (FM).* Modulation in which the instantaneous frequency of a sine-wave carrier⁴ is caused to depart from the carrier frequency by an amount proportional to the instantaneous value of the modulating wave.

(bb) *Frequency deviation.* In frequency modulation, the peak difference between the instantaneous frequency of the modulated wave and the carrier frequency.

(cc) *Frequency swing.* In frequency modulation, the peak difference between

¹ This definition coincides with the definition of "Bandwidth Occupied by an Emission", which appears as par. 58 of the International Radio Regulations of Atlantic City, 1947. The emission-bandwidth is dependent upon the class of emission and the speed of signaling.

² This definition coincides with the definition of "Frequency Assigned to a Station" which appears as par. 57 of the International Radio Regulations of Atlantic City, 1947.

³ For the definition of "carrier", see § 2.1 of this chapter.

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the maximum and the minimum values of the instantaneous frequency.

(dd) *Deviation ratio.* In frequency modulation, for a sinusoidal modulating wave, the ratio of the maximum frequency deviation to the maximum frequency of the modulating wave.

(ee) *Antenna (aerial).* A means for radiating or intercepting Hertzian waves.

(ff) *Artificial antenna (dummy antenna).* A device which has the equivalent impedance characteristics of an antenna and the necessary power-handling capabilities, but which does not radiate or intercept Hertzian waves.

(gg) *Last radio stage.* In an electron-tube radio transmitter, the radio-frequency oscillator or power amplifier stage which supplies all radio-frequency power to the antenna, either directly or through the medium of a transmission line.

(hh) *Plate (anode) input power.* The electrical power delivered to the plate (anode) of an electron tube by the source of supply; this power being the product of the indicated anode voltage and the indicated anode current.

(ii) *Antenna power.* The power supplied by a particular radio transmitter to the antenna used in connection with that transmitter, at a radio frequency or frequencies within an authorized frequency-band.

(jj) *Radiated power.* Energy, in the form of Hertzian waves, radiated from an antenna.

(kk) *Authorized transmitter-power.* The power of a particular transmitter as designated in the respective station license or construction permit or in lieu thereof, the power designated in the applicable Commission rule(s) or regulation(s). Unless specifically expressed otherwise, this power is the total plate input power to all electron tubes of the last radio stage of the transmitter which are used to supply radio-frequency power to the antenna; without modulation present in the case of a transmitter used for telephony by means of class A3 emission.

(ll) *Telephone receivers.* Whenever use of the following terms occurs in reference to "watch" as defined in paragraph (j) of § 7.7, such use of these terms shall be construed as follows:

(1) *Telephone receiver.* Any instrument used to convert energy consisting of electric waves at audio frequency into energy consisting of substantially equivalent sound waves.

(2) *Hand receiver.* A telephone receiver capable of being held to the ear by the hand and normally used in that manner.

(3) *Head receiver.* A telephone receiver capable of being held to the ear by an attached headband or other device and normally used in that manner.

(4) *Loudspeaker.* A telephone receiver capable of effectively radiating acoustic power for reception by ear at a distance and normally used for that purpose.

SUBPART B—APPLICATIONS¹

§ 7.21 *Authorization required for operation and construction of station.* (a) Any radio station required by the Communications Act to be licensed shall not be operated in the maritime mobile service, in the maritime radiolocation service, or in any maritime fixed service except under and in accordance with a valid station authorization granted by the Commission.² Further, the operation of such apparatus shall be conducted in conformity with the provisions of statute, international treaty or agreement, and the rules of the Commission relative to the licensing of operators.

(b) No license shall be issued by the Commission for the operation of any station subject to this part, unless a permit for construction has first been granted by the Commission upon written application therefor.

§ 7.22 *Administrative classification of stations.* (a) Stations in the maritime mobile service subject to this part are licensed according to the class of station as designated below:

- (1) Public class I coast stations.
- (2) Public class II coast stations.
- (3) Public class III coast stations.
- (4) Limited class I coast stations.
- (5) Limited class II coast stations.
- (6) Limited class III coast stations.
- (7) Marine-utility stations.

(b) Stations in the maritime radiolocation service subject to this part (other than those exclusively in the maritime radionavigation service) are licensed according to the class of station as designated below:

- (1) Shore radiolocation stations.
- (2) Shore radiolocation-training stations.
- (3) Shore radiolocation-test stations.

(c) Stations in the maritime radionavigation service subject to this part are licensed according to the class of station as designated below:

- (1) Shore radionavigation stations.
- (2) Shore-radar stations.

(d) Stations in the fixed service subject to this part are licensed according to the class of station as designated below:

- (1) Marine fixed stations.
- (2) Marine control stations.
- (3) Marine repeater stations.
- (4) Marine relay stations.
- (5) Marine receiver-test stations.

¹For additional information concerning applications and for information concerning procedure relative to hearings, oral arguments, petitions, etc., refer to Part 1 of the Commission's Rules Relating to Practice and Procedure.

²The Commission has exempted certain low power radio devices from its general licensing requirements. The extent of this exemption and related matters are set forth in Part 15, Rules Governing Restricted Radiation Devices. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes, industrial heating, and other miscellaneous purposes not involving radiocommunication are set forth in Part 18, Rules and Regulations Relating to Industrial, Scientific and Medical Service.

§ 7.23 *Statutory eligibility for station license.* A station license shall not be granted to or held by:

(a) Any alien or the representative of any alien;

(b) Any foreign government or the representative thereof;

(c) Any corporation organized under the laws of any foreign government;

(d) Any corporation of which any officer or director is an alien;

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country;

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representatives thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

§ 7.24 *Application precedent to authorization.* Except as otherwise provided in §§ 7.26 and 7.41, no authorization will be granted for use or operation of any radio station on land in any service governed by this part, nor for any change in station control, facilities, services, equipment or antenna, unless formal written application therefor in proper form³ first is filed with the Commission. Except as otherwise permitted by this part, a separate application shall be filed in respect to each station and service subject to this part. Each application for radio station authorization, and all correspondence relating thereto, shall be submitted in duplicate (unless otherwise specified in a particular case or with respect to a particular form) to the Secretary of the Commission at Washington 25, D. C. Except as otherwise provided in §§ 7.32, 7.36 and 7.41, an application should be filed at least sixty days prior to the earliest date on which it is desired that the requested authorization be granted by the Commission in order that action thereon may be taken by that date. The application shall be specific and complete with regard to the information required in the application form, or otherwise specifically requested by the Commission.

§ 7.25 *Signature on applications.* One copy of each application for an

³Standard forms are prescribed herein for use in connection with the majority of applications submitted for Commission consideration. These forms may be obtained without cost from the Commission at Washington 25, D. C., or from any of its engineering field offices.

authorization shall be signed under oath or affirmation by the applicant if the applicant be an individual, or any one of the partners if an applicant be a partnership, or by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association: *Provided, however,* That applications may be signed by the attorney for an applicant (a) in case of physical disability of the applicant, or (b) his absence from the continental United States. If application is made by a person other than the applicant, such person must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why the application is not made by the applicant. Applications filed on behalf of eligible governmental entities, such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction. When more than one copy of an application is required to be filed with the Commission, only the original need be signed or verified; copies may be conformed.

§ 7.26 Informal applications. An application not submitted on a standard form prescribed by the Commission is an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and, except as provided in § 7.41, the original copy shall be subscribed and verified as provided in § 7.25. Each application shall be clear and complete within itself as to the facts presented and the action desired.

§ 7.27 Defective applications. (a) An application which is defective with respect to completeness of answers to required questions, execution, or other matters of a purely formal character, will not be received for filing by the Commission, unless the Commission shall otherwise direct, and will be returned to the applicant with a brief statement as to the defect.

(b) An application which is not made in accordance with the Commission's rules, regulations, or other requirements, will be considered defective unless accompanied either (1) by a petition to amend the rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

(c) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

§ 7.28 Amendments of applications. (a) Any application may be amended as a matter of right prior to the designation of such application for hearing by

filing the appropriate number of copies of the amendments duly executed. Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown. A petition which requests either a change in frequency or power must be accompanied by the affidavit of a person with knowledge of facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for amendment. If such consideration has been promised or received, the affidavit shall set forth in full detail all the relevant facts. A petition to amend an application will not be accepted (other than an amendment which is merely pro forma in nature, such as the removal of a named person because of death) if it is filed after public notice has been given of the issuance of a proposed decision with respect to such application, or of a recommended or an initial decision, as the case may be, where no proposed decision is to be issued.

(b) When leave to amend has been granted after an application has been designated for hearing, the application will not be removed from the hearing docket unless the Motions Commissioner shall determine that the proposed amendment substantially affects the issues upon which the application has been designated for hearing and orders that the application shall be removed from the hearing docket. An amended application which has been removed from the hearing docket will be reexamined by the Commission and, when necessary, will be redesignated for hearing at a subsequent time.

§ 7.29 Dismissal of applications. Any application may be dismissed without prejudice as a matter of right prior to the designation of such application for hearing. Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record. Such petition must be accompanied by the affidavit of a person with knowledge of the facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application. Such petition to dismiss an application without prejudice will be granted only for good cause shown, but will, in no event, be granted after public notice has been given by the Commission of the issuance of a proposed decision proposing to deny the application.

§ 7.30 Partial grant of application. Whenever the Commission, without a hearing, grants an application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written pro-

test, rejecting the grant as made. Upon receipt of such protest, the Commission will vacate its original action upon the application and, if necessary, set the application for hearing in the same manner as other applications are set for hearing.

§ 7.31 Establishment of station. (a) Application for permit to construct a station subject to this part⁴ shall be submitted on FCC Form 401.⁵ When actual construction is not involved, the term "construct" as used herein is construed to mean "installation" or any action of an equivalent nature involved in preparing the station for actual operation prior to the issuance of a station license.

(b) FCC Form 401A (revised), "Description of Proposed Antenna Structure", shall be submitted in quadruplicate with duplicate set of FCC Form 401 in each instance when:

(1) The antenna structures⁶ proposed to be erected will exceed an over-all height of 170 feet above ground level; or
(2) The antenna structures⁶ proposed to be erected will exceed an over-all height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401A need be filed.

(c) There shall be attached to each copy of FCC Form 401A (revised) a sketch showing the antenna structures and a map showing the location of the antenna structure, landing areas in the vicinity thereof, and all structures that may affect the marking of the antenna structures.

(d) The location of the control point shall be specified in the application for construction permit. The location of the control point may be the same as that of the transmitting equipment or it may be a separate location. More than one control point for the same transmitting equipment is permissible if specified in the application and authorized by the Commission.⁷

(e) Each application for construction permit shall include such supplementary information as is prescribed in other applicable sections of this part, with respect to the particular class of station for which a station authorization is requested.

§ 7.32 Changes prior to completion of station. (a) When, during the term of a construction permit, any change is to be made in respect to the station which would result in a deviation from the

⁴ With respect to applications for marine-utility stations, see § 7.33.

⁵ This form may be obtained without cost, upon request made to the Washington 25, D. C., office of the Commission or to any of the Commission's engineering field offices.

⁶ The term "antenna structures" includes the radiating system and its supporting structures. For detailed information on this subject, see Part 17 of this chapter.

⁷ See § 7.71 in respect to authority for control points.

terms of the permit, application for modification of such permit shall be filed on FCC Form 401.

(b) FCC Form 401A (revised), in quadruplicate, shall be submitted with FCC Form 401 in duplicate, whenever any change is to be made in the antenna structures⁹ if such structures, as the result of such change, will exceed an overall height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet, no Form 401A (revised) need be filed; or whenever the over-all height of the antenna structures, as a result of such change, will exceed 170 feet above ground level; or whenever the antenna structure already is required to be painted or lighted in accordance with Part 17 of the Commission's rules. In such cases, there shall be attached to Form 401A (revised) a sketch and a map as prescribed in paragraph (c) of § 7.31.

(c) FCC Form 701 shall be used whenever it is necessary to request an extension of the time limit specified on a valid construction permit. Such application shall be filed at least 30 days prior to the expiration date of the permit if the facts supporting such application for extension are known to the applicant in time to allow such filing. In other cases, such application will be accepted upon a showing satisfactory to the Commission of the reason for filing within less than 30 days prior to the expiration date. Such application shall contain specific and detailed information showing that failure to complete construction within the authorized period is the result of causes beyond the control of the permittee, or that the applicant has been diligent in his efforts to complete the construction of the proposed station.

§ 7.33 *Application concerning marine-utility stations.* (a) A permit for construction of a marine-utility station is not required when such station is to be used and operated solely on board mobile vessels. In such circumstances, the marine-utility station is subject to the provisions of Part 8 of the Commission's rules and application for station license may be filed in accordance with the applicable sections of that part.

(b) Whenever a marine-utility station is to be used and operated at any location on land (whether or not it is to be used and operated additionally on board mobile vessels) such station is subject to the applicable provisions of this part¹⁰ and an application for construction permit to establish such station shall be filed with the Commission.

⁹ The term "antenna structures" includes the radiating system and its supporting structures. For detailed information on this subject, see Part 17 of this chapter.

¹⁰ See paragraph (b) of § 7.21; also see §§ 7.39 and 7.40.

§ 7.34 *Temporary and permanent station locations.* (a) Whenever a station (other than a marine-utility station) is to be used and operated, on and after the effective date of the station license, at any single location for a period of less than six months, the station location is construed to be temporary. An application for construction permit relative to such station shall specify the station location as temporary, and shall designate each temporary location at which the station is to be used and operated, or shall specify the general geographic area within which the use and operation of the station will be confined.¹¹

(b) Whenever a station (other than a marine-utility station) is to be used and operated, on and after the effective date of the station license, at a single location for six months or more, the station location is construed to be permanent and shall be designated accurately in the application for construction permit.¹²

§ 7.35 *Application for station license.* Upon completion¹³ of construction in accordance with the terms of the construction permit (as modified if a modified permit has been issued), an application for station license shall be submitted on FCC Form 403.

§ 7.36 *Changes during license term.*

(a) When, during the term of a station license, any change is to be made in respect to the station, or with respect to its use and operation, which would result in a deviation from the terms of the license, an application for construction permit or modification of license, as the case may require, shall be filed as prescribed in paragraphs (b), (c), and (d) of this section.

(b) Authority for any physical change in the construction of the transmitting equipment or installation, or for the addition of radio transmitting apparatus, or for any change in station location, or for any change in antenna structures of the nature designated in paragraph (b) of § 7.32, shall be requested by filing an appropriate application for construction permit on FCC Form 401. If a physical change in the antenna structure(s) is proposed, a description of any marking currently required shall be supplied as part of the necessary application. Upon completion¹⁴ of the construction, installation, or change in station location or antenna structure(s) in accordance with the terms of the construction permit, an appropriate application for modification of station license shall be submitted on FCC Form 403.

(c) Authority for any change in the use and operation of the station, other than physical changes of the nature prescribed in paragraph (b) of this section, shall be requested by filing an

¹⁰ A general area may be designated in terms of a specific city, county, state, region, etc., or more than one of these designations may be specified. See also §§ 7.70 and 7.71.

¹¹ With respect to a subsequent change in permanent station location, see §§ 7.32 and 7.36.

¹² See § 7.64 concerning operation for test purposes upon completion of construction.

appropriate application on FCC form 403¹⁵ for modification of station license.

(d) In accordance with § 7.24, an application for modification of a station license shall be submitted not less than 60 days prior to the date contemplated for such modification of license in order that action thereon may be taken by that date.

§ 7.37 *Renewal of license.*¹⁶ Application for renewal of station license shall be submitted on FCC Form 405. Unless otherwise directed by the Commission, such application should be filed at least 60 days prior to the expiration date of the license sought to be renewed in order that action thereon may be taken by that date.

§ 7.38 *Reinstatement of license.* When the use and operation of a station has been discontinued due to the station license having expired by its own terms, and an application for renewal of such station license has not been submitted within a period of 60 days from the expiration date of such license, an applicant shall, if authority is desired to resume operation in exact accordance with the terms of the expired license, submit simultaneously applications for construction permits and licenses on FCC Forms 401 and 403, respectively.

§ 7.39 *Applications filed concurrently.*

(a) Applications of different category but in respect to the same station and radio service may be filed concurrently by the same applicant as prescribed herewith:

(1) Application for modification of station license and for renewal of station license. However, no renewal may be granted more than thirty days prior to the expiration of the original license.

(2) Application for construction permit and for station license or related modification of license where the complete transmitter(s) is (are) available for immediate use and operation, including all accessory apparatus required for the service to be rendered, and where no construction is involved: *Provided*, The associated antenna structures¹⁷ are available for immediate use and do not exceed an over-all height of 170 feet above ground level or do not exceed an over-all height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401A (revised) need be filed.

(3) Application for modification of construction permit and for station license: *Provided*, Such application for

¹⁵ See § 7.42 if assignment of the license or a change in corporate control of the licensee is involved.

¹⁶ See § 7.46 (b).

¹⁷ The term "antenna structures" includes the radiating system and its supporting structures. For detailed information on this subject, see Part 17 of this chapter.

modification of construction permit does not request authority for any additional construction, extension of time in which to complete construction, or change in construction of the station (including the height of the antenna or supporting structures): *And further provided*, That the complete transmitter(s) and all accessory apparatus required for the service to be rendered are available for immediate use and operation in accordance with the terms of the modified permit desired.

(4) Application for modification of station license and for consent to voluntary assignment or transfer of control of station license.

(5) Application for renewal of station license and for consent to voluntary assignment or transfer of control of station license. However, no renewal may be granted more than thirty days prior to the expiration of the original license.

§ 7.40 *One application for plurality of stations.* (a) As indicated below, one application may be submitted to cover two or more stations subject to the conditions prescribed in paragraph (b) of this section: *And provided*, The individual stations covered by each application are clearly identified therein:

(1) Applications for construction permits and for station licenses for marine-utility stations to be used and operated in the same geographic area;

(2) Application for modification of construction permits for marine-utility stations to be used and operated in the same geographic area when the modification requested is the same for all stations covered by the application;

(3) Application for modification of station licenses for any class of station subject to this part when the modification requested is the same for all stations covered by the application;

(4) Application for renewal of station licenses for any class of station subject to this part;

(5) Application for consent to assignment or control of station authorizations.

(b) The provisions of paragraph (a) of this section shall apply only when the following elements are the same in respect to all of the involved stations at the time the application is filed:

(1) Applicant;

(2) Nature of service and class of station;

(3) Legal control of the station;

(4) Expiration date of the station authorization when application is made for modification or renewal thereof.

§ 7.41 *Application for special temporary authority for installation and operation of transmitting apparatus.* (a) Upon receipt of application therefor, the Commission may grant special temporary authorization for a period not to exceed three months for the installation and operation of transmitting apparatus in the maritime mobile service or the maritime radiolocation service (provided the proposed operation is not in conflict with the rules and regulations of the Commission) with a station classification in accordance with §§ 7.6 or 7.22, under the following conditions:

(1) In cases which require the immediate use of existing and available radio

transmitting apparatus not already authorized for the desired operation: *Provided*, The associated antenna structures³⁸ (if not covered by an existing station authorization) do not exceed an over-all height of 170 feet above ground level or do not exceed an over-all height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401A (revised) need be filed;

(2) In cases where an urgent need is shown for operation of an authorized station (without the addition of more radio transmitting apparatus or increase in height of antenna structures) for a limited time only, in a manner or for a period of time other than that specified in the existing station authorization;

(3) For the purpose of conducting a field survey to obtain necessary data in connection with the filing of one or more formal applications. In this case, authority shall be requested for the developmental operation only, and those sections of this part applicable to developmental stations shall govern the nature of the application.

(b) Whenever practicable, an application for special temporary authority shall be filed as a formal application on a form or forms prescribed in the applicable section(s) of this part. When necessary, however, such applications may be filed as an informal application as prescribed in § 7.26. The form(s) to be used and the procedure in filing shall be governed by the provisions of this part applicable to the type of document (construction permit, license, modification thereof, etc.) which would be requested normally in a particular case in lieu of special temporary authority.

(c) An application for special temporary authority shall be filed in written form not less than ten days prior to the earliest date of proposed operation thereunder unless acceptable explanation of reason for failure to meet this time limitation is included with the application form.

(d) Each application for special temporary authority shall contain the following information:

(1) Name and address of applicant;

(2) Official call letters of any valid station authorization already held by applicant, and the station location;

(3) Relation of applicant to the owner of any transmitting equipment for which initial authority is requested;

(4) Class of station and nature of service;³⁹

(5) Station(s) or class of station with which communication will be carried on;

³⁸ The term "antenna structures" includes the radiating system and its supporting structures. For detailed information on this subject, see Part 17 of this chapter.

³⁹ See §§ 7.6 and 7.22.

(6) Carrier frequency or frequencies, class of emission, and emission-bandwidth to be employed,⁴⁰ if these elements are involved.

(7) Equipment to be used, specifying the manufacturer, model number, the normal plate input power to the last radio stage, and frequency tolerance that can be maintained⁴¹ if these elements are involved;

(8) The date(s) and time(s) of the proposed operation;

(9) Complete particulars concerning purpose, nature, and location of proposed operation;

(10) Explanation of the need for special temporary authority in lieu of normal type of authorization.

(e) Each application for special temporary authority submitted by an applicant who does not hold a valid station authorization issued by the Commission, or has not already filed formal application therefor, shall, in addition to the information required under paragraph (c) of this section, contain such factual statements as may be necessary for the Commission to determine whether or not the granting of the desired authorization will be in accordance with the citizenship eligibility requirements of section 310 of the Communications Act.

§ 7.42 *Application for consent to assignment or transfer of control of construction permit or station license—*(a) *Voluntary.* Application for consent to voluntary assignment of a construction permit or license covering a station subject to this part, or for consent to voluntary transfer of control of a corporation holding such a construction permit or license, shall be filed with the Commission on FCC Form 702, "Application for Consent to Assignment of Radio Station Construction Permit or License", or FCC Form 703, "Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License", as the case may require, at least 60 days prior to the contemplated effective date of assignment of transfer of control.

(b) *Involuntary.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability; and

(2) Within 30 days after the occurrence of such death or legal disability, application on FCC Form 702 or FCC Form 703, as the case may require, shall be filed for consent to involuntary assignment of such station permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

§ 7.43 *Application precedent to hearing.* Whenever the Commission regards

⁴⁰ See pars. (k), (l) and (q) of § 7.8.

⁴¹ See pars. (m), (eg), (hh) and (kk) of § 7.8.

an application for renewal of license as essential to the proper conduct of a hearing or investigation and specifically directs that the licensee file such application by a certain date, the application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 7.44 Failure to prosecute applications. An applicant not desiring to prosecute his application may request that it be dismissed without prejudice. A request of an applicant for the return of an application which has been accepted for filing will be considered as a request to dismiss the same without prejudice. Where an applicant fails to respond to official correspondence or request for additional material, the application will be dismissed without prejudice.

§ 7.45 Inconsistent or conflicting applications. When an application has an application pending or undecided, no other inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf of or for the benefit of said applicant, will be considered by the Commission.

§ 7.46 Applications for authority to discontinue, reduce or impair service provided by a public coast station. (a) Procedures relating to applications under section 214 of the Communications Act for authority to discontinue, reduce or impair service provided by a public coast station are set out in Part 63 of this chapter.

(b) Licensees of public coast stations who propose to discontinue service at the end of any license period shall file an appropriate application for discontinuance of service, as provided in Part 63 of this chapter. Any licensee of a public coast station who has filed, or who proposes to file, an application for authority to discontinue service provided by such station shall, during the period that such application is pending before the Commission, continue to file appropriate applications as may be necessary for extension or renewal of station license in order to provide legal authorization for such station to continue in operation pending final action on the application for discontinuance of service.

§ 7.47 Request for amendment or waiver of rules. (a) Any provisions of the rules in this part (except those provisions which set forth specific requirements, not subject to waiver or change, of any applicable statute, or any applicable international agreement to which the United States is a signatory party) may be repealed, amended or supplemented, subject to the provisions of the Administrative Procedures Act. Any interested person may petition for issuance, amendment, or repeal of any rule or regulation governing stations in the maritime mobile service, maritime radiolocation service, or fixed service subject to this part. Such petition may be filed in relation to specific applications for station au-

thorization, or independently thereof, and shall show the text of the proposed rule(s), and shall set forth the reason(s) in support of the petition.

(b) Any provisions of the rules in this part (except those provisions which set forth specific requirements, not subject to waiver or change, of any applicable statute, or any applicable international agreement to which the United States is a signatory party) may be waived by the Commission, if the Commission finds that important or exceptional circumstances require such waiver and that the public interest will be served thereby. A request for such waiver may be filed in relation to specific applications for station authorization, or independently thereof, and shall set forth in detail the reason(s) said waiver is considered to be necessary, and how the public interest would be served thereby.

SUBPART C—STATION AUTHORIZATION

§ 7.61 Construction period. Each radio station construction permit issued by the Commission will specify the date of grant as the earliest date of commencement of construction and installation, and a maximum of eight months thereafter as the time within which construction shall be completed and the installation ready for operation, unless otherwise determined by the Commission in any particular case.

§ 7.62 Forfeiture of construction permit. A radio station construction permit shall be automatically forfeited if the construction authorized by such permit is not completed within the time specified therein or within such further time as the Commission may have allowed for completion, unless prevented by causes not under the control of the holder of the construction permit.¹

§ 7.63 Changes in licensed station. (a) A change may be made in licensed transmitting equipment without making application to the Commission and without specific authorization from the Commission: *Provided:*

(1) The change does not result in operation inconsistent with the rules of the Commission nor with the terms of the outstanding authorization for the station involved.

(2) A description of the change is incorporated in the next application for renewal or modification of license.

(b) Prior authorization from the Commission is required² before the following antenna changes may be made at any station other than a marine-utility station:

(1) Any change that will increase or decrease by more than five feet the over-all height of an antenna used for transmission on any frequency or frequencies above 100 Mc.

(2) Any change that will appreciably modify the power gain or radiation pattern of an antenna used for transmission on any frequency or frequencies.

¹ A notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

² See § 7.36.

(3) Any change in the antenna structures³ which will result in such structures exceeding an over-all height of 170 feet above ground level.

(4) Any change in the antenna structures³ or their location which will result in such structures exceeding an over-all height of one foot above the established airport elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure, or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401A (revised) need be filed.

(5) Any change in antenna structures³ or their location when such structures already are required to be marked in accordance with Part 17 of this chapter.

(c) Changes, except as designated in paragraph (b) of this section, may be made in the antenna or antenna supporting structures of a licensed station without specific authorization from the Commission, provided that, for stations other than marine-utility stations:

(1) The Commission at Washington, D. C., and the Commission's engineer in charge of the inspection district in which the station is located are notified in advance of such changes; and

(2) A description of such changes is incorporated in the next application for renewal or modification of the station license.

§ 7.64 Equipment and service tests.

(a) Equipment and service tests of any radio transmitting facilities authorized by a construction permit issued by the Commission in respect to a station subject to this part may be conducted as prescribed in paragraphs (b), (c), and (d) of this section: *Provided,* That necessary precautions are taken to avoid interference to the service of other authorized stations.

(b) Equipment test: Upon completion of construction or installation of radio transmitting facilities in a station in exact accordance with the terms of the related construction permit, the technical provisions of the application therefor, and the rules and regulations governing the class of station concerned, and prior to the filing of an application for license or modification of license, the permittee is authorized to test the equipment in accordance with applicable terms of the construction permit for a period not to exceed 10 days: *Provided,* That the Commission's engineer in charge of the radio district in which the station is located is notified two days in advance of the beginning of tests and that the permittee is not notified by the Commission to cancel, suspend, or change the date(s) for such tests.

(c) Service test: When equipment tests have been completed, and after application for station license or modifica-

³ The term "antenna structures" includes the radiating system and its supporting structures. For detailed information on this subject, see Part 17 of this chapter.

tion thereof has been filed with the Commission showing the transmitting equipment and associated apparatus to be in satisfactory operating condition, the permittee is authorized to conduct service tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided*, That the Commission's engineer in charge of the radio district in which the station is located is notified two days in advance of the beginning of such tests and that the permittee is not notified by the Commission to cancel, suspend, or change the date(s) for such tests.

(d) *Limitations*: The authorization for tests embodied in paragraphs (b) and (c) of this section shall not be construed as constituting a license to operate but as a necessary part of the authorized construction. Equipment and service tests shall not commence after the expiration date of the construction permit.

(e) *Common carrier service tests*: When new stations in common carrier services are ready in all respects to be placed in service, equipment and service tests are authorized to be conducted as outlined in paragraphs (b) and (c) of this section: *Provided*, All necessary precautions are taken to avoid interference to any other authorized station. No service may be furnished to the public during the equipment test period. Charges for service furnished during the service test period may be made, pursuant to the provisions of legally applicable tariffs.⁴

§ 7.65 *Normal license period*. (a) A license for a coast station shall be issued for a period of two years, unless otherwise specified in the license, and shall expire at 3:00 a. m., e. s. t., on the first day of February. Unless otherwise ordered, if an application for a new coast station license is granted to become effective three months or less before the normal expiration date of the term of this class of license, the license shall be issued for the unexpired period of the current license term and for the full succeeding term. If granted to become effective more than three months before the expiration date of the current license term, the new license shall be issued for the unexpired period of the current license term only.

(b) A license for any class of station subject to this part, other than a coast station or a developmental station, shall be issued for a period of one year, unless otherwise stated in the license, and shall expire at 3:00 a. m., e. s. t., on the first day of February. Unless otherwise ordered, if an application for a new station license is granted to become effective three months or less before the normal expiration date of the term of this class of license, the new license shall be issued for the unexpired period of the current license term and for the full succeeding term. If granted to become effective more than three months before the expiration of the current license term, the license shall be issued for the unexpired period of the current license term only.

(c) A license for a developmental station subject to this part shall be issued on a temporary basis and shall be valid for a specified period of time extending not more than one year from the date on which the license becomes effective.

§ 7.66 *Period of modified license*. When an application for modification of station license is granted, a superseding license shall, unless otherwise ordered, be issued for the unexpired period of the superseded license.

§ 7.67 *Simultaneous modification and renewal*. When an application is granted which necessitates the issuance of a modified station license less than 60 days prior to the expiration date of the license sought to be modified, and when an application for renewal of said license is granted subsequent or prior thereto, but within 30 days of expiration of the present license, the modified license as well as the renewal license will be issued to conform to the combined action of the Commission.

§ 7.68 *One license for plurality of marine-utility stations*. (a) Unless otherwise determined by the Commission, one station license may be granted to authorize the use and operation of a designated maximum number of marine-utility stations, normally in multiples of ten stations, whenever the following license elements are the same for each station and the requirement specified in paragraph (b) of this section is fulfilled:

- (1) The station licensee;
- (2) The conditions which establish and maintain control of the station by the station licensee;
- (3) The local geographic area to which use of the particular station will be confined;
- (4) The type(s) of transmitting equipment to be authorized (different types of transmitting equipment, which are recognized by the Commission as being equivalent on an engineering basis, shall, for the purpose of this section, be considered as the same type);
- (5) The authorized transmitter power of identical types of transmitting equipment to be authorized;
- (6) The frequency assignment, and the authorized transmitter-power, and class or classes of emission authorized for each radio-channel.

(b) The transmitting equipment authorized for use by the station license shall not be authorized in any other instrument of authorization issued by the Commission.

§ 7.69 *Transfer or assignment of station authorization*. Section 310 (b) of the Communications Act expressly provides that a station license granted by the Commission, the frequencies authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such license, to any person, unless the Commission shall, after securing full information, decide that said transfer is

in the public interest, and shall give its consent in writing.⁵

§ 7.70 *Authorized station location*. (a) Whenever a station (other than a marine-utility station) is to be used and operated, on and after the effective date of the station license, at any single location for a period of less than six months, the station location is construed to be temporary and shall be designated in the station authorization as temporary, together with either a specific temporary location or locations or within a prescribed geographic area, in accordance with information included in the related application for station authorization.

(b) Whenever a station (other than a marine-utility station) is to be used and operated, on and after the effective date of the station license, at a single location for six months or more, the station location is construed to be permanent and the particular location shall be specifically designated in the station authorization.

(c) When a station (other than a marine-utility station) which is authorized to be used and operated at a temporary location or locations remains at any single location for more than six consecutive months, an application for modification of the station license to specify such station location as permanent shall be filed not more than thirty days after the expiration of the six month period involved.

(d) When a station (other than a marine-utility station) which is authorized to be used and operated at more than one temporary location, is moved from one radio inspection district to another for use and operation in the latter district, the station licensee shall so notify the Commission's engineers in charge of the respective districts. Such notification shall, if practicable, be given prior to such change in location but in any event not later than forty-eight hours thereafter.

(e) Prior authorization from the Commission is required before a station may be used and operated at any station location not authorized by either the station authorization or applicable rules and regulations of the Commission.⁶

§ 7.71 *Authorized control point*. (a) Unless otherwise permitted in exceptional cases, each station shall be associated with one or more specific control points which shall be designated in the station license as stated herewith:

(1) When no control point location is designated in an application, the control point shall be not more than 500 feet from the location of the authorized radio transmitting apparatus.

(2) When the control point is at a location more than 500 feet from that of the authorized radio transmitting apparatus, the control point location shall be designated as follows:

(i) In urban areas, the street address shall be specified.

⁴ See § 61.62 of the Commission's Rules Governing the Construction, Filing, and Posting of Charges for Interstate and Foreign Communications Service.

⁵ See § 7.42 in respect to filing related applications.

⁶ See §§ 7.32 and 7.34 relative to the filing of pertinent applications.

(ii) In rural areas, the approximate location shall be specified in distance and direction from the transmitter in terms of feet and geographical quadrant, respectively; or in distance and direction from the center of a nearby established community in terms of statute miles and geographical quadrant, respectively.

(b) Prior authorization from the Commission is required before a change may be made in the location of an authorized control point or before any control point not authorized by the station license, or by applicable rules and regulations, may be utilized in respect to the particular station.⁷

(c) A dispatch point or points may be installed and used without obtaining any instrument of authorization from the Commission: *Provided*, That in respect to public coast stations using telegraphy and limited coast stations using telegraphy, information relative to the location of each permanently established dispatch point, is submitted by the station licensee to the Commission for record purposes at the earliest practicable date relative to the date such dispatch point(s) is (are) permanently established.

§ 7.72 *Assignment of call signs.* (a) Stations subject to this part shall be assigned call signs in accordance with applicable provisions of the International Radio Regulations and the Communications Act as set forth in the following paragraphs of this section.

(b) Class I and class II coast stations (public or limited) shall be assigned individual call signs each consisting of three letters, taken from either the group KAA through KZZ or the group WAA through WZZ.

(c) Class III coast stations (public or limited) shall be assigned individual call signs each consisting of three letters followed by three digits, taken from either the group KAA through KZZ or the group WAA through WZZ.

(d) Each station license issued to authorize the use and operation of one or more marine-utility stations shall designate a single call sign consisting of two letters followed by four digits, taken from the group KA through KZ.

(e) Stations on land in the maritime radiolocation service (including the maritime radionavigation service) shall be assigned individual call signs each consisting of three letters followed by three digits taken from either the group KAA through KZZ or the group WAA through WZZ.

(f) Marine fixed stations and marine relay stations shall be assigned individual call signs each consisting of three letters followed by two digits, taken from either the group KAA through KZZ or the group WAA through WZZ.

(g) Marine control stations and marine repeater stations shall be assigned individual call signs each consisting of three letters followed by two digits, taken from either the group KAA through KZZ or the group WAA through WZZ.

(h) Marine receiver-test stations shall be assigned individual call signs each consisting of three letters followed by

three digits, taken from either the group KAA through KZZ or the group WAA through WZZ.

(i) Developmental stations shall be assigned call signs of the category assignable under the provisions of this section to the class of station associated with the respective developmental station.

(j) In accordance with the preceding paragraphs of this section, call signs shall be assigned on a strict sequence basis, without advance reservation of particular call signs for specific stations or specific purposes.

§ 7.73 *Operation during emergency.*

(a) The licensee of any station subject to this part may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization or in the rules and regulations governing the operation of such stations: *Provided*, (1) That as soon as possible after the beginning of such emergency use, notice shall be sent to the Commission at Washington 25, D. C., and to the engineer in charge of the radio district in which the station is located, stating the nature of the emergency and the emergency use being made of the station; (2) that such emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available; and (3) the Commission and the engineers in charge be notified immediately when such special use of the station is terminated: *And, provided further*, That in no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law: *And provided further*, That the Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

(b) The Commission may authorize the licensee of any radio station, during a period of national emergency, to operate its facilities upon such frequencies, with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army, Navy or Air Force.

§ 7.74 *Notice of involuntary discontinuance, reduction or impairment of service.*

(a) If, for any reason beyond the control of the station licensee, the service provided by a public coast station is discontinued, reduced or impaired for a period exceeding 24 hours, the station licensee shall immediately notify the Commission at Washington 25, D. C., and the Commission's engineer in charge of the radio district in which the station is located. In such cases, the licensee shall furnish full particulars as to the reasons

for such discontinuance, reduction or impairment of service including a statement as to when normal service is expected to be resumed. In the event such changes in station operation include discontinuance, reduction or suspension of a watch normally kept on 500 kc or 2182 kc, immediate notification thereof shall be given by the station licensee to the nearest district office of the U. S. Coast Guard and to the Commission's engineer in charge of the radio district in which the station is located, together with notification of the estimated or known time of resumption of such watch. When normal service is resumed, immediate notification thereof shall be given to the Commission at Washington 25, D. C., and to the Commission's engineer in charge of the radio district in which the station is located. When the watch to which reference is made herein is resumed, immediate notification thereof shall be given to the Coast Guard and to the Commission's engineer in charge.

(b) Notification need not be given with respect to involuntary suspension or substantial reduction of the normal service of a limited coast station (provided a watch normally kept by such station on 500 kc or 2182 kc is not reduced or suspended thereby) or any other station subject to this part, except public coast stations as provided in paragraph (a) of this section, during any period of involuntary reduction or suspension not exceeding 10 days. Whenever the period of such involuntary suspension or reduction exceeds 10 days, notification thereof shall be given, except by marine-utility stations, to the Commission's engineer in charge of the radio district in which the station is located, together with notification of the known or estimated time of resumption of normal operation. In the event any reduction or suspension of the service of a limited coast station causes a reduction or suspension of a watch normally kept on 500 kc or 2182 kc, immediate notification thereof shall be given by the station licensee to the nearest district office of the U. S. Coast Guard and to the Commission's engineer in charge of the radio district in which the station is located, together with notification of the estimated or known time of resumption of such watch.

§ 7.75 *Notice of voluntary discontinuance, reduction or impairment of service.*

When the service of any station subject to this part (other than a marine-utility station) is discontinued, reduced or impaired for any reason within the control of the station licensee, immediate notification thereof shall be given to the Commission's engineer in charge of the radio district in which the station is located, together with, in the case of suspension, a statement of the estimated or known time of resumption of normal service. In the case of a public coast station, such notification shall be given as soon as practicable. In respect to any other class of station (except a marine-utility station) subject to this part, such notification need be made only when the discontinuance, reduction, or impairment of service continues for a period of more than 10 days.

⁷ See § 7.34.

⁸ For rules covering the filing of applications for authority under sec. 214 of the Communications Act, see Part 63 of this chapter.

In the event any voluntary suspension, reduction, or discontinuance of operation includes discontinuance, reduction, or suspension of a watch normally kept by any coast station on 500 kc or 2182 kc, immediate notification thereof shall be given by the station licensee to the nearest district office of the U. S. Coast Guard and to the Commission's engineer in charge of the radio district in which the station is located, together with notification of the estimated or known time of resumption of any such watch that has been suspended.

§ 7.76 Cancellation of license.¹⁰ In all cases of permanent discontinuance of operation of stations subject to this part, the licensee shall immediately forward the station license to the Washington, D. C., office of the Commission for cancellation.

SUBPART D—GENERAL STATION REQUIREMENTS

§ 7.101 Inspection of stations. Pursuant to section 303 (n) of the Communications Act, all stations subject to this part and all station records required by this part shall be available for inspection by authorized representatives of the Commission at such times and intervals which, within the discretion of the Commission, are considered reasonable and necessary to assure compliance with applicable rules, regulations, laws, treaties and international agreements.

§ 7.102 Posting of station license. (a) The current station authorization for each station (other than a marine-utility station) subject to this part, which is authorized for use and operation at a permanent location,¹ or at a single temporary location,² shall be posted in a conspicuous place at the principal control point of that station. At all other control points designated in the station authorization, a photocopy of the authorization shall be posted. In addition, a Transmitter Identification Card (FCC Form 452-C), properly executed, shall be affixed to each transmitter of such station when such transmitter is not in view of, and readily accessible to, the responsible operator at the principal control position. The following information shall be entered on the Transmitter Identification Card by the permittee or station licensee:

- (1) Name of permittee or licensee;
- (2) Station call sign assigned by the Commission;
- (3) Exact location or locations of the actual station authorization and any station records required by the Commission;
- (4) The assigned frequency or frequencies on which the transmitting equipment is authorized to be operated; and
- (5) Signature of the permittee or licensee, or his duly authorized agent.

(b) The current station authorization for a single marine-utility station and for each single station of any other class subject to this part, which is of portable

nature and is authorized for use and operation of two or more temporary locations, shall be posted either at the control point of the station or retained in an envelope or other suitable container affixed to the transmitting apparatus, either inside or outside of any cabinet or other structure in which the transmitting apparatus is contained.

(c) With respect to a plurality of marine-utility stations authorized by one station license in accordance with the provisions of § 7.68, the station license shall be retained by the licensee at any location where it is accessible to Commission inspection. In lieu of posting the license, a Transmitter Identification Card (FCC Form No. 452-C Revised) properly executed shall be affixed to each authorized transmitter: *Provided*, That where the transmitting equipment (such as may be installed in a land vehicle) is not visible from the operating position or is not readily accessible for governmental inspection, the Transmitter Identification Card shall be affixed to the control apparatus at the station operating position. The following information shall be entered on the Transmitter Identification Card by the station licensee:

- (1) Name of station licensee;
- (2) Station call sign assigned by the Commission;
- (3) Exact location or locations of the actual station license and any station records required by the Commission;
- (4) The assigned frequency or frequencies on which the transmitting equipment is authorized to be operated; and
- (5) Signature of the licensee, or his duly authorized agent.

§ 7.103 Requirements concerning station location. (a) Unless otherwise required by exceptional conditions, the radio transmitting and receiving apparatus of each class I public coast station, when a specific location for the station is initially authorized by the Commission subsequent to January 1, 1952, shall, when such apparatus is to be used and operated on any frequency assignment below 5000 kc, be located as close as practicable to the open sea.

(b) Unless otherwise required by exceptional conditions, the radio transmitting and receiving apparatus of each class II public coast station, when a specific location for the station is initially authorized by the Commission subsequent to January 1, 1952, shall be installed at a location which, according to generally established engineering principles and standards, should not result in abnormally high attenuation of emission, insofar as such attenuation is caused by land intervening between that location and the majority of ship stations with which communication is to be effected.

(c) Unless otherwise required by exceptional conditions, the radio transmitting and receiving apparatus of each class III public coast station, the construction of which is authorized by the Commission subsequent to July 1, 1952, shall be centrally located, insofar as practicable, in relation to the center of the geographic water area to which ship-shore communication is to be provided by the particular coast station, as speci-

fied in the related application for construction permit.

(d) Applicants for construction permits to establish coast stations for transmission on any frequency assignment(s) within the frequency-band 156.35 Mc to 162.05 Mc shall cooperate in the selection of sites for radio transmitting facilities so as to minimize interference (such, for example, as may be caused by intermodulation) to the service of other coast stations, base stations of any land mobile service, and United States Government stations.

§ 7.104 Facilities required for public coast stations. (a) As a minimum, public coast stations using telegraphy shall be provided with the facilities designated herewith:

(1) Stations having a frequency assignment within the band 365 to 515 kc shall—

(i) Be equipped to transmit efficiently with classes A1 and A2 emission on the general maritime calling frequency (500 kc assigned frequency) and on at least one additional radio-channel authorized for working within the band 365 to 515 kc;

(ii) Be equipped to receive efficiently classes A1 and A2 emission on all radio-channels authorized for the maritime mobile service of telegraphy within the frequency-band 365 to 515 kc.

(2) Stations having a frequency assignment below 150 kc shall—

(i) Be equipped to transmit efficiently with class A1 emission on at least one radio-channel authorized for working within the band 100 to 150 kc;

(ii) Be equipped to receive efficiently class A1 emission on all radio-channels authorized for transmission by mobile stations operating in the maritime mobile service for telegraphy within the band 100 to 150 kc.

(3) Stations having a frequency assignment above 4000 kc shall—

(i) Be equipped to receive efficiently on each assigned frequency, and on each assigned frequency for ship stations using radiotelegraphy as designated in Part 8 of this chapter when such ship station frequency is in the same characteristic portion of the spectrum as is the coast station assigned frequency.

(b) Pending final decision of the Commission in Docket 9797 in respect to this paragraph as proposed in that docket, the following provision shall continue in effect. In the Great Lakes area, each coast station licensed to transmit by means of telephony on one or more frequencies within the band 2500-2600 kc must be capable of transmitting by telephony and shall be licensed to transmit by telephony on the radio-channel of which 2182 kc is the authorized carrier frequency, and shall be capable of receiving telephony on this radio-channel: *Provided*, That the Commission may exempt any coast station from compliance with this requirement if it considers that the circumstances relative to the operation of that station are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph.

(c) All coast stations shall comply with the following requirements:

(1) Each coast station which is licensed to transmit on the radio-channel

¹ See §§ 7.34 and 7.70.

² See § 7.46.

¹⁰ See § 61.57 of the Commission's rules for procedure in canceling applicable tariffs.

of which 2182 kc is the authorized carrier frequency, shall be capable of efficiently receiving telephony (A3 emission) on this channel, and shall be capable also of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) on at least one other radio-channel authorized for working with ship stations in the band 2000 to 3500 kc.

(2) Each coast station which is licensed to transmit on the radio-channel of which 156.8 Mc is the authorized carrier frequency, shall be capable of efficiently receiving telephony (F3 emission) on this channel, and shall be capable also of transmitting and receiving (and shall be licensed to transmit) class F3 emission (modulation by voice frequencies) on at least one other radio-channel authorized for working with ship stations in the band 156.35 Mc to 162.05 Mc.

(3) Marine utility stations used on shore shall comply with the requirement of subparagraph (2) of this paragraph.

§ 7.105 *Special provisions relative to VHF facilities.* (a) Coast stations at locations separated by less than 150 statute miles, which transmit on a radio-channel above 100 Mc, shall minimize any interference between the particular stations using the same radio-channel above 100 Mc by a mutually agreeable time-sharing arrangement, subject to direction by the Commission if agreement cannot be attained by the involved station licensees. In addition, where practicable, such licensees shall use directive antennas to minimize interference between the particular stations.

(b) Coast stations at locations separated 150 statute miles or more, which transmit on a radio-channel above 100 Mc, shall minimize interference between the particular stations using the same radio-channel above 100 Mc in so far as is practicable by adjustment of radiated power (provided the authorized transmitter power is not exceeded), by adjustment of antenna height (within the physical limitations approved by the Commission with respect to air navigation), or by employing appropriate antenna directivity. Appropriate remedial action in this respect may be specifically required of particular station licensees when, in the discretion of the Commission, such requirement must be imposed by a specific directive.

(c) Coast stations which transmit on a radio-channel above 100 Mc and are located within interference range on such channel of any station within a foreign country bordering on the United States, shall take such measures of the nature prescribed in paragraphs (a) and (b) of this section as may be practicable and appropriate to minimize interference to the involved foreign station(s), and shall keep the Commission fully informed of all pertinent developments.

§ 7.106 *Operating controls.* (a) The transmitting apparatus of stations subject to this part shall be installed and protected so as to be not accessible to other than duly authorized persons.

(b) Effective on and after January 1, 1952, such operating controls as necessarily are used for commencing and discontinuing normal operation of each

coast station, such operating controls as necessarily are used for normally changing from each operating radio-channel to any other associated operating radio-channel in the same characteristic portion of the spectrum, and such operating controls as necessarily are used for normally changing from transmission to reception and vice-versa, shall be available at the principal operating location of the station and shall be readily accessible to the authorized operator. This requirement, however, need not be met by equipment intended for use only in emergencies and not used for normal communications.

(c) Effective on and after January 1, 1952, every coast station using telegraphy shall, when an authorized operator is present at the principal operating location, be capable of change-over from telegraph transmission to telegraph reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time.

(d) Effective on and after January 1, 1952, every coast station using telephony shall, when an authorized operator is present at the principal operating location, be capable of change-over from telephone transmission to telephone reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time.

(e) Effective on and after January 1, 1952, every coast station shall, during its hours of service and when the authorized operator is present at the principal operating location, be capable of—

(1) Commencing operation within one minute after the need to do so occurs;

(2) Discontinuing all emission within five seconds after emission is no longer required or after the necessity arises for emission to cease.

(f) Effective on and after January 1, 1953, every coast station using a multi-channel installation for telegraphy shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from each operating radio-channel for telegraphy to any other operating radio-channel for telegraphy within the same characteristic portion of the spectrum below 515 kc within a period of five seconds: *Provided, however,* That this requirement need not be met by equipment intended for use only in emergencies and not used for normal communication.

(g) Effective on and after the dates hereinafter designated in this paragraph, every coast station using a multi-channel installation for telephony shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from one operating radio-channel for telephony to another operating radio-channel for telephony within—

(1) A period of five seconds, when changing from the calling channel to a working channel and vice versa within the frequency band 1600 kc to 4000 kc; effective on and after January 1, 1953; or

(2) A period of three seconds, when changing from the ceiling channel to a working channel and vice versa within the frequency band 156 Mc to 162 Mc; effective on and after January 1, 1952.

§ 7.107 *Antenna requirements.* (a) The antenna(s) of each public coast station shall, in so far as is practicable in each case, have electrical characteristics that will, in conjunction with the particular transmitting apparatus employed, assure good efficiency in the conversion of antenna power to radiated power.

(b) All emission of a coast station (public or limited) or a marine-utility station operated on shore, using telephony on any frequency assignment within the frequency band 30 Mc to 200 Mc normally shall be polarized vertically at the source: *Provided,* The Commission may authorize the use of any other form of polarization in addition to or in lieu of vertical polarization if the applicant or station licensee makes a satisfactory showing that such authorization is necessary for effective communication or reduction of interference and would be beneficial to reception of the emission by mobile stations.

(c) Pending final decision by the Commission in Docket 9797 in respect to this paragraph, the following provision shall continue in effect. The licensee of any coast station using telephony on frequencies within the band 2000 kc to 3500 kc or on frequencies above 25 Mc shall operate the station so as to provide, in respect to such use of telephony, a specified field strength pattern with respect to transmission and reception of signals, if and when directed to do so by the Commission. For the purpose of determining the need for a particular field strength pattern, the Commission may require the licensee, prior to renewal of the station license, to conduct an appropriate field strength survey and to file the resultant data as part of the application for renewal of license.

§ 7.108 *Adjustment of equipment.* The transmitting equipment of each station subject to this part shall be operated, tuned, and adjusted so that there will be no radiation of emissions outside the authorized frequency-band that causes harmful interference or is capable of causing harmful interference to the service of any other station. Any spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at the lowest practicable level.

§ 7.109 *Measurement of emission frequencies.* (a) The licensee of each station subject to this part shall be responsible² for measurement of each carrier frequency in use by the station as stipulated in the following paragraphs of this section: *Provided,* That when a carrier does not exist (except for radar transmitters)² measurement shall be made of the frequency coinciding with the center frequency of the emission—

² The licensee of a station on land using a radar transmitter shall take the necessary measures to insure that the transmitter operates within the emission limits specified in § 7.133.

bandwidth, in lieu of measurement of the carrier frequency.

(b) Measurement of the carrier frequency shall occur during normal operating conditions, including with and without the application of amplitude modulation if such modulation is employed. In the case of a station using frequency modulation, measurement of the carrier frequency shall be made while modulation is not applied.

(c) Measurement of the carrier frequency shall be made by means independent of the carrier frequency determining elements of the transmitting apparatus, and the measuring equipment shall be capable of revealing deviation in cycles, kilocycles, or megacycles per second (as may be appropriate in each case) from the authorized carrier frequency or the assigned frequency of the station with an accuracy of at least one-half the frequency tolerance authorized by the Commission.

(d) Measurement of the carrier frequency shall, as a minimum requirement, be made at the following times:

(1) When the involved transmitting apparatus is placed in service both initially and on each occasion after it has been removed (other than marine-utility stations and stations of portable nature) physically and temporarily from its place of installation.

(2) As soon as is practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the frequency of the carrier (including marine-utility stations and stations of portable nature).

(3) As soon as is practicable after the licensee receives an official notice from the Commission that the carrier frequency or the frequency coinciding with the center of the emission-band width has been observed by the Commission to be beyond the frequency tolerance.

(e) Each frequency measurement performed in order to comply with the provisions of this section shall be recorded in the official records of the station. In each instance of measurement the record shall show the location of the transmitter, the location of the measuring equipment, the identity of the transmitter involved, the time and date of measurement, the indicated deviation in cycles, kilocycles, or megacycles per second (as may be appropriate in each case) above or below the authorized carrier frequency or (when a carrier does not exist) above or below the assigned frequency (or other appropriate data in respect to measurement of the frequencies of emission of a radar transmitter) and the signature of the person(s) who made the measurement, together with the name of any measurement service with which such person(s) may be associated for this purpose. Each original record of measurement shall, wherever practicable, be continuously retained in the official records of the station for a period of at least twelve months from the date of measurement, and shall be made available to the Commission upon request or dur-

ing inspection of the station by an official representative of the Commission. When such retention of these records at the station is deemed by the licensee to be impracticable (such as may be the situation in respect to marine-utility stations and stations of portable nature) the original records shall be retained under jurisdiction of the station licensee at any location in the United States where they can be made readily available for inspection upon request by the Commission or an official representative thereof.

(f) Measurement of frequency required by the provisions of this section may, at the option of the station licensee, be made by any qualified engineering measurement service; *Provided*, That nothing contained in this paragraph shall be construed to change or diminish in any respect the responsibility of the station licensee for proper functioning and operation of the station in accordance with law.

§ 7.110 Measurement of transmitter-power. (a) The actual power of each radio transmitter of a coast or fixed station, subject to this part, shall be maintained within the following tolerance of the specific power authorized for that transmitter by the Commission:

(1) When the maximum authorized transmitter-power only is indicated, the actual power shall, in so far as is practicable, not be more than that necessary to carry on the service for which the station is licensed and in no event more than 20 percent above the maximum power authorized;

(2) When the exact authorized transmitter-power is indicated, the actual power shall, whenever the transmitter is being operated, be within the limits of 120 and 80 percent of the authorized power.

(b) For the purpose of assuring adherence to the requirement of paragraph (a) of this section, each radio transmitter rated by the manufacturer as being capable of a plate input power in excess of 200 watts or an antenna power in excess of 100 watts and completed in construction after July 1, 1952, in a coast or fixed station, subject to this part, shall be fitted with the instrument(s) necessary to determine the actual plate power to the transmitter whenever the latter is in use; *Provided*, That on and after July 1, 1956, this requirement shall apply to all such transmitters (including stations of portable nature) rated by the manufacturer with respect to power as set forth in this paragraph.

(c) When the power of a transmitter in a coast or fixed station, subject to this part, as rated by the manufacturer, is capable of being more than 120 percent of the authorized power, the station licensee, effective on and after January 1, 1952, shall employ an approved procedure to determine that the actual power does not exceed the authorized power. This determination shall be made and the result thereof entered in the licensee's records (which shall be made available to the Commission or an official representative thereof, upon request) as follows:

(1) When the involved transmitting apparatus is placed in service, both initially and on each occasion after it has been removed (other than marine-utility stations and other stations of portable nature) physically and temporarily from its place of installation;

(2) As soon as practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the actual power (including marine-utility stations and stations of portable nature);

(3) When required by an official representative of the Commission on the basis that the actual power appears, from an official inspection of the station, to exceed the authorized power.

(d) With respect to a transmitter used for telephony by means of amplitude modulation, the term "power", as used in paragraphs (a), (b) and (c) of this section, means power without modulation present.

§ 7.111 Modulation adjustments for telephony. (a) Coast stations, fixed stations, and marine-utility stations subject to this part and using class A3 emission for telephony shall be capable of proper technical operation with peak modulation percentage between 75 and 100 percent. In so far as is practicable, the AM transmitting equipment of such stations shall be adjusted so that the transmission of speech normally produces peak modulation percentages within these limits.

(b) Coast stations, fixed stations and marine-utility stations subject to this part using class F3 emission for telephony shall be capable of proper technical operation with peak modulation percentage as high as is practicable in reference to the frequency swing normally regarded as 100 percent modulation. In general, the FM transmitting equipment of such stations shall be adjusted so that the transmission of speech normally produces, on this basis, peak modulation percentages between 75 and 100 percent.

(c) The adjustments required by paragraphs (a) and (b) of this section shall be made and recorded in the licensee's records as follows:

(1) When the involved transmitting apparatus is placed in service, both initially and on each occasion after it has been removed (except for marine-utility stations and other stations of portable nature) physically and temporarily from its place of installation.

(2) As soon as is practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the percentage modulation (including marine-utility stations and other stations of portable nature).

(3) When required by the Commission on the basis that the percentage modulation observed during an official inspection of the station by an official representative of the Commission appears to not comply with the requirement of paragraph (a) or (b) of this section.

§ 7.112 General requirements for receiving apparatus. (a) The radio equipment of each coast station, or marine-

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utility station, using telegraphy or telephony, must be capable of permitting the reception of the class or classes of emission on the frequency or frequencies, normally received for the service carried on. The technical arrangement of the station apparatus shall be such that the necessary reception of emissions can be readily effected prior to the transmission of any signals or communications by the coast or marine-utility station on the associated transmitting frequency.

§ 7.113 *Facilities for busy signal in telephony.* (a) A "busy" signal, when used by a coast station in accordance with the provisions of paragraph (e) of § 7.312 may be transmitted by appropriately modulating the carrier wave of the station by means of a single audio frequency regularly interrupted, as follows:

1. Modulating frequency: Not less than 100 nor more than 1100 cycles per second, provided the frequency used for this purpose shall not cause auto-alarms or selective-ringing devices to be operated.

2. Rate of interruption: 60 times per minute.

3. Duration of each interruption: 0.5 second.

4. Tolerance for each of the factors 2 and 3: 10 percent.

(b) As an alternative to the technical factors set forth in paragraph (a) of this section, other appropriate technical factors may be authorized by the Commission for the purpose of a "busy" signal pursuant to paragraph (e) of § 7.312.

§ 7.114 *Required coast station clock:* (a) A reliable clock with a second hand shall be installed at the radio operating control point of each coast station licensed for telegraphy on frequencies below 515 kilocycles. This clock shall be mounted in a position that will allow the divisions between minutes to be easily and accurately read by the operator from his normal operating position. In each coast station licensed to transmit on 500 kilocycles, the required clock shall be provided with a sweep second hand and shall be mounted in a position that will allow the second dial to be easily and accurately read by the operator from his normal operating position.

(b) On each day the coast station is operated, the time indicated by this clock, shall be compared with standard time and if a deviation is observed, the clock shall be adjusted to accurately coincide with standard time: *Provided*, That this requirement shall not preclude adjustment of this clock to Greenwich mean time pursuant to the International Radio Regulations.

§ 7.115. *Retention and availability of radio station logs.*³ (a) All station logs which are required under those provisions of this part pertaining to the particular classes of stations subject to this part shall be retained by the licensee for a period of one year from date of entry and for such additional periods as required by the following subparagraphs:

(1) Station logs involving communications incident to a distress or disaster

³ See Parts 45 and 46 of this chapter concerning preservation of records of common carriers.

shall be retained by the station licensee for a period of 3 years from date of entry;

(2) Station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them.

(3) Station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complainant has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

(b) Station logs shall be made available to an authorized representative of the Commission upon request.

§ 7.116 *Requirements as to control points.* At each control point of each coast or fixed station subject to this part the following facilities shall be provided:

(a) A carrier-operated device which will provide continuous visual indication whenever the transmitting apparatus is supplying power at radio-frequency to the antenna; or, in lieu thereof, a pilot lamp or meter or equivalent device which will provide continuous visual indication whenever the transmitter control circuits have been placed in a condition to actuate the radio transmitting apparatus: *Provided, however*, That the provisions of this paragraph shall not apply to marine-utility stations;

(b) Equipment to permit the responsible operator to aurally monitor all transmissions originating at dispatch points under such operator's supervision, if dispatch points are utilized;

(c) Facilities which will readily permit the responsible operator either to disconnect the dispatch point circuits from the radio transmitting apparatus or to render such apparatus inoperative from any dispatch point under the supervision of such operator; and

(d) Facilities which will permit the responsible operator to energize and de-energize the radio transmitting equipment at will. For this purpose the term "de-energize" means to suppress completely all emission from the transmitting antenna. The use of a telegraphic key or keying device as a means of compliance with this provision is acceptable when it is readily possible for the responsible operator to de-energize the station by means of such key or keying device.

SUBPART E—STANDARD TECHNICAL REQUIREMENTS

§ 7.131 *Authorized frequency tolerance.* (a) Unless the particular instrument of authorization specifically provides otherwise, the frequency tolerances¹ authorized for stations on land in the maritime services subject to this part shall be as prescribed in the following paragraphs.

¹ "Frequency tolerance" is defined by par. (m) of § 7.8.

(b) Authorized frequency tolerances for coast stations operating on frequencies below 515 kc or within the frequency-band 1,600 kc to 25,000 kc:

Frequency ranges	Applicable until Jan. 1, 1953, to transmitters installed before Jan. 1, 1950	Applicable to transmitters installed after Jan. 1, 1950, and to all transmitters after Jan. 1, 1953
(1) From 14 to 515 kc....	Percent 0.1	Percent 0.02
(2) From 1,600 to 25,000 kc.....	.02	.005

(c) Authorized frequency tolerances for coast stations operating on frequencies above 30 Mc and for marine-utility stations:

(1) From 30 to 50 Mc:	Percent
For stations licensed to operate with a plate input power not in excess of 3 watts.....	0.02
For all other stations.....	.01
(2) From 100 to 200 Mc:	
For stations licensed to operate with a plate input power not in excess of 3 watts.....	.01
For all other stations.....	.005

(d) Authorized frequency tolerances for fixed stations operating in the maritime fixed services:

Frequency range	Applicable until Jan. 1, 1953, to transmitters installed before Jan. 1, 1950	Applicable to transmitters installed after Jan. 1, 1950, and to all transmitters after Jan. 1, 1953
(1) From 2100 to 2210 kc; Marine fixed stations and marine receiver-test stations.....	Percent 0.01	Percent 0.005

¹ "Frequency tolerance" is defined by par. (m) of § 7.8.

(2) From 72 to 76 Mc: Marine control, marine repeater, and marine relay stations.....	Percent
(3) From 100 to 200 Mc: Marine receiver-test stations.....	0.005
	.005

(e) The frequency tolerance authorized for stations on land operating in the maritime radiolocation service shall be:

(1) When using radar transmitter(s) only, within a frequency-band above 2400 Mc, the frequency tolerance is prescribed as follows: the frequency at which maximum emission occurs shall be within the authorized frequency-band and shall not be closer than 1.5/T megacycles per second to the upper and lower limits of the authorized frequency-band, where "T" is the pulse duration in microseconds.

(2) For other stations on land operating in the maritime radiolocation service the authorized frequency tolerance shall be specified in the instrument of authorization issued in behalf of each station.

§ 7.132 *Authorized classes of emission.* (a) When the class of emission is specifically designated in the instrument of

authorization, stations on land in the maritime services subject to this part shall use emission in conformity with

the terms of that document. Otherwise, such stations are authorized to employ classes of emission as follows:

FREQUENCY-BAND AND CLASSES OF EMISSION AUTHORIZED¹

- | | |
|---|--|
| (1) Coast stations using telegraphy: | |
| 14 to 160 kc..... | A1, and for brief testing A0; |
| 160 to 515 kc..... | A1, A2, ² A2a, ² A2b, ² and for brief testing A0; |
| 2,200 to 25,000 kc..... | A1, A2, ² A2a, ² A2b, ² and for brief testing A0. |
| (2) Coast stations and marine-utility stations using telephony: | |
| 1600 kc to 30 Mc. ³ | A3, A3a, A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing A0; |
| 30 Mc to 50 Mc..... | A3, A3a, A3b, F3; and for brief operating signals A1, A2, A2a, A2b, F1, F2; also for brief testing A0, F0; |
| 156.35 Mc to 162.05 Mc. ³ | F3; and for brief operating signals F1 and F2; also for brief testing F0; |
| For other frequencies or frequency-bands..... | As designated in the station authorizations. |
| (3) Marine fixed stations: | |
| 2100 to 2210 kc..... | A3, A3a, A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing A0. |
| Marine receiver-test stations: | |
| 2100 to 2210 kc..... | Primarily A3, A3a, A3b; secondarily for test calling signals; A0, A1, A2, A2a, A2b; |
| 156.35 Mc to 157.45 Mc..... | Primarily F3; secondarily for test calling signals; F0, F1, F2. |
| Marine control, marine repeater and marine relay stations: | |
| 72 Mc to 76 Mc..... | A1, A2, A2a, A2b, A3, F1, F2, F3; and for brief testing A0, F0. |
| (4) Stations using radar transmitters only: | |
| Above 2400 Mc..... | P0. |

¹ The letter "a" following class "A2" or "A3" emission means the emission of a single side band, with reduced carrier. The letter "b" following class "A2" or "A3" emission means the emission of two independent side bands, with reduced carrier.

² Permissible by keying the modulated emission. Keying the modulating audio frequency only, without interruption of the carrier wave, is not permissible. The use of any audio frequency pulse device such as a so-called "chopper" is prohibited. The use of these classes of emission on frequencies between 4,000 kc and 25,000 kc, except for stations of survival craft and for special purposes, will be prohibited when Article 33 of the International Radio Regulations of Atlantic City, 1947, becomes effective.

³ See §§ 7.312 (a) (2) and 7.308 (a) (2).

Stations of any category not designated in subparagraphs (1), (2), (3) and (4) of this paragraph shall use the class or classes of emission specified in the particular station authorization.

(b) Classes of emission not authorized in paragraph (a) of this section may be authorized by the Commission in special circumstances, subsequent to a satisfactory showing by the applicant of a need therefor and provided harmful interference will not result from the use thereof. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission is required.²

§ 7.133 Authorized emission-bandwidths.² (a) When the authorized emission-bandwidth is specifically designated in the instrument of authorization, stations on land in the maritime services subject to this part shall use emission-bandwidth(s) in conformity with the terms of that document. Otherwise, such stations shall use emission-bandwidths not exceeding those set forth in this section for the respective classes of emission authorized in § 7.132.

(b) The authorized emission-bandwidths hereinafter designated are established in relation to the operational

factors set forth in the following subparagraphs:

(1) Class A0 emission means the incidental radiation of an unmodulated carrier wave from a station which is authorized to use normally an amplitude-modulated wave;

(2) Class A1 emission means a carrier wave (without the use of modulating audio frequency) keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters;

(3) Class A2 emission means a carrier wave amplitude-modulated at audio frequency not exceeding 1250 cycles per second, the modulated carrier wave being keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters (the authorized emission-bandwidths for classes A2, A2a, and A2b emission are designated hereinafter on this basis);

(4) Class A3 emission means a carrier wave amplitude-modulated at audio frequencies corresponding to those necessary for intelligible speech transmitted at conversational speed. (The authorized emission-bandwidths for classes A3, A3a, and A3b emission are designated hereinafter on this basis);

(5) Class F0 emission means the incidental radiation of an unmodulated carrier wave from a station which is authorized to use normally a frequency-modulated wave;

(6) Class F1 emission means a continuous wave (without the use of modulating audio frequency), the frequency of

which is alternatively shifted between the normal value and another specific value, by keying normally for telegraphy, so as to transmit intelligence in the International Morse Code. The authorized bandwidth for class F1 emission is designated hereinafter on the basis of the bandwidth authorized for class F2 emission;

(7) Class F2 emission means a continuous wave frequency-modulated at such audio frequency and with such deviation ratio as to not exceed the authorized emission-bandwidth, the modulating frequency being keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters;

(8) Class F3 emission means a continuous wave frequency-modulated at audio frequencies corresponding to those necessary for intelligible speech transmitted at conversational speed, with a deviation ratio of any value necessary for effective communication, provided the resulting emission shall not exceed the authorized emission-bandwidth;

(9) The keying of a carrier wave or the amplitude modulation of a carrier wave by means of audio or sub-audible frequency or frequencies, so as to transmit in each instance a selective signalling code intended to actuate a selective-calling device, shall be construed as class A1 emission or class A2, A2a, or A2b emission, respectively, within the limits of the respective authorized emission-bandwidths hereinafter set forth; provided that for class A2, A2a, or A2b emission, the frequency of modulation does not exceed 1300 cycles per second on radio-channels authorized for telegraphy, nor 3000 cycles per second on radio-channels authorized for telephony;

(10) The frequency-shift keying of a carrier wave or the frequency-modulation of a carrier wave at audio or sub-audible frequency or frequencies, so as to transmit in each instance a selective signalling code intended to actuate a selective-calling device, shall be construed as class F1 emission or class F2 emission, respectively, within the limits of the respective authorized emission-bandwidths hereinafter set forth; provided the frequency deviation used, and in the case of class F2 emission the modulating frequency or frequencies used, is (are) such that the emission in fact does not exceed the respective authorized emission-bandwidth.

(11) Class P0 emission means pulse transmission with the absence of any modulation intended to carry information, as used by ship radar stations licensed by the Commission.

(c) (1) The authorized emission-bandwidths for the classes of emission authorized in § 7.132 shall be as follows:

² For information regarding the classification of emissions and the calculation of the bandwidth, reference should be made to Part 2 of this chapter.

³ For definition of the term "emission-bandwidth", see par. (g) of § 7.8.

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Class of emission	Emission designator	Emission-band, width authorized for transmission of intelligence	Maximum authorized transmitter-power (when no modulation is present) ¹				
			Frequency-band in which transmission occurs				
A0.....	None.	None.	2,000-4,000 kc	4,000-5,000 kc	5,000-25,000 kc	Class I station	Class II station
A1.....	0 16 A1	224 cycles per second.	Day	Night	Watts	Kilowatts	Watts
A2.....	2 66 A2	2,724 cycles per second.	1,500	700	1,500	1,500	1,500
A2a.....	1 33 A2a	1,362 cycles per second.	3,000	140	3,000	140	3,000
A2b.....	2 66 A2b	2,724 cycles per second.	2,400	112	2,400	112	2,400
A3.....	6 A3	8,000 cycles per second.	3,000	140	3,000	140	3,000
A3a.....	3 A3a	4,000 cycles per second.	1,500	70	1,500	70	1,500
A3b.....	6 A3b	8,000 cycles per second.	1,500	70	1,500	70	1,500
F0.....	None.	None.	As specified in the station authorization				
F1.....	Variable ¹	40,000 cycles per second.					
F2.....	36 F2	40,000 cycles per second.					
F3.....	36 F3	40,000 cycles per second.					
P0.....	Variable ¹	40,000 cycles per second.					

¹ See § 7.398 (a) (3).

(2) When a specific "emission designator", as expressed in subparagraph (1) of this paragraph, appears in a station authorization applicable to any station subject to this part, such designator specifies, for that station and for the particular radio-channel(s) involved, the corresponding authorized emission-bandwidth as set forth in subparagraph (1) of this paragraph.

(3) In the actual operation of a station on land subject to this part, unless otherwise provided by the station authorization—

(i) When a carrier is present, the frequency coinciding with the center of the emission-bandwidth shall, when class A2, A2b, A3, F2, or F3 emission is being used, be the same as the carrier frequency;

(ii) When a carrier is not present, the frequency-band occupied by the emission-bandwidth shall be within the authorized frequency-band.

(d) Bandwidths in excess of those set forth in paragraph (c) of this section or emission-bandwidths for other classes of emission may be authorized and set forth in the instrument of authorization if approved by the Commission subsequent to a satisfactory showing by the applicant of need therefor. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission-bandwidth is required.

(e) For coast stations and marine-utility stations using telephony on any frequency assignment within one or more of the following frequency-bands, and employing frequency modulation (FM), the maximum authorized transmitter-power shall be:

Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter-power (when no modulation is present)
Class C—plate or plate and screen-grid modulated	100
Class C—control, screen, or suppressor-grid modulated	100
Class B—cathode modulated	200
Other classes	As specified in the station authorization

(f) For stations in the maritime fixed services, the maximum authorized power shall be as prescribed herewith:

Frequency-band in which operation occurs	Maximum authorized transmitter-power (without reference to modulation)
35 Mc to 44 Mc	100
156.35 to 157.45 Mc	100
161.85 to 162.05 Mc	1,000

(g) For marine control, marine repeater, and marine relay stations operating within the frequency band 72 to 75 Mc, and for other classes of stations subject to this part operating on frequencies above 162.05 Mc, the authorized transmitter-power shall be specified in the respective station authorization.

(h) (1) For the purpose of assuring adherence to the requirements of this

(d) For coast stations and marine-utility stations using telephony on any frequency assignment within the frequency-band 35 Mc to 44 Mc and employing amplitude modulation (AM); the maximum authorized transmitter-power shall be:

Class of radio frequency amplifiers used in last radio stage of transmitter	Maximum authorized transmitter-power (when no modulation is present)
Class C—plate, or plate and screen-grid modulated	100
Class C—control, screen, or suppressor-grid modulated	200
Class B—cathode modulated	200
Class B—linear	200
Class BC—high efficiency	120
Other classes	As specified in the station authorization

(f) For stations in the maritime fixed services, the maximum authorized power shall be as prescribed herewith:

Frequency-band in which operation occurs	Maximum authorized transmitter-power (without reference to modulation)
35 Mc to 44 Mc	100
156.35 to 157.45 Mc	100
161.85 to 162.05 Mc	1,000

(g) For marine control, marine repeater, and marine relay stations operating within the frequency band 72 to 75 Mc, and for other classes of stations subject to this part operating on frequencies above 162.05 Mc, the authorized transmitter-power shall be specified in the respective station authorization.

(h) (1) For the purpose of assuring adherence to the requirements of this

(e) For coast stations and marine-utility stations using telephony on any frequency assignment within one or more of the following frequency-bands, and employing frequency modulation (FM), the maximum authorized transmitter-power shall be:

Frequency-band in which operation occurs	Maximum authorized transmitter-power (without reference to modulation)
35 Mc to 44 Mc	100
156.35 to 157.45 Mc	100
161.85 to 162.05 Mc	1,000

(f) For stations in the maritime fixed services, the maximum authorized power shall be as prescribed herewith:

Frequency-band in which operation occurs	Maximum authorized transmitter-power (without reference to modulation)
35 Mc to 44 Mc	100
156.35 to 157.45 Mc	100
161.85 to 162.05 Mc	1,000

(g) For marine control, marine repeater, and marine relay stations operating within the frequency band 72 to 75 Mc, and for other classes of stations subject to this part operating on frequencies above 162.05 Mc, the authorized transmitter-power shall be specified in the respective station authorization.

(h) (1) For the purpose of assuring adherence to the requirements of this

section, or the applicable terms of the station authorization, the authorized transmitter-power, with reference to paragraphs (hh) and (kk) of § 7.8, may be computed for electron-tube transmitters by the method set forth in the following subparagraphs: *Provided*, That when the particular transmitter is used for telephony by means of amplitude modulation (class A3 emission or class

A2 or special emission for operating signals), the authorized transmitter-power shall, in all instances, be measured when modulation is not present.

(2) The authorized transmitter-power shall be the sum of the product(s) obtained by multiplying the indicated anode (plate) voltage, applied to each electron tube of the last radio stage supplying radio-frequency power to the antenna, by the indicated anode (plate) current flowing through each such tube, or shall be the sum of the indicated powers supplied to each such tube.

(3) Indication of the anode (plate) voltage may be accomplished by means of a direct-current type voltmeter (as applicable) or an alternating-current type voltmeter of proper frequency range (as applicable), each such instrument having an accuracy and reliability acceptable to the Commission. Where the same voltage is applied to more than one electron tube, indication of this voltage shall be regarded as indication of the voltage applied to each individual electron tube of that particular group.

(4) Indication of the anode (plate) current may be accomplished by means of a direct-current (D'Arsonval galvanometer movement) type ammeter having an accuracy and reliability acceptable to the Commission. Where the anode (plate) current through more than one electron tube flows through a common point in the electrical circuit, indication of the current at this point shall be regarded as indication of the total anode (plate) current flowing through all electron tubes of that particular group.

(5) Indication of the power in watts supplied to the anode (plate) circuit of one or more electron tubes shall be acceptable provided a wattmeter properly activated by the form of voltage and current supplied is employed, and has an accuracy and reliability acceptable to the Commission.

(6) When any current, in addition to the actual anode (plate) current, flows through an ammeter or wattmeter being used for indications in accordance with this subparagraph (such as screen-grid current), such current, unless separately indicated or specified by the manufacturer, shall not be deducted from the current indicated for the purpose of this subparagraph.

§ 7.136 Acceptance of transmitters for licensing. (a) Upon written request therefor made by the manufacturer or applicant for related station authorization, acceptance of a specific and readily identifiable type of radio transmitter as being capable of complying with all requirements of the Commission solely for the purpose of authorizing such transmitter in accordance with the provisions of § 7.21 will be given by the Commission subsequent to a satisfactory showing of compliance made by the applicant. The necessary showing of compliance shall, as a minimum, be in the form of a written statement (together with such supplemental charts, graphs, illustrations, test data, etc., as may be deemed appropriate by the applicant for type-acceptance or as may be required by the Commission), over the signature of a

competent radio engineer attesting to actual technical performance of the transmitter in accordance with all pertinent rules, regulations, and international agreements which must be met by the class of station for which the transmitter is intended to be licensed.

(b) Request for type-acceptance and showing of compliance pursuant to the provisions of paragraph (a) shall be submitted in duplicate to the Commission at Washington 25, D. C. One copy of such showing of compliance shall be signed under oath or affirmation by the engineer who conducted or supervised the related technical performance of the particular type of transmitter for the purpose of securing type-acceptance by the Commission.

(c) In the event the written showing of compliance prescribed by paragraphs (a) and (b) of this section is deemed by the Commission to not furnish all information or data which it requires for the purpose of type-acceptance of a particular type of radio transmitter, the Commission may supplementally require the applicant for such type-acceptance to demonstrate by actual operation of the involved equipment in the presence of one or more engineers of the Commission that the same will, in fact, comply with all pertinent rules, regulations, and international agreements. In the event the showing of compliance is finally adjudged by the Commission to be unsatisfactory for the purpose of acceptance for licensing of the particular type of transmitter, type-acceptance will not be given and that type of transmitter will not be licensed for the involved class of station.

§ 7.137 Special requirements for radiotelephone transmitters. (a) Except for transmitters authorized solely for developmental stations, each radiotelephone transmitter first licensed by the Commission after January 1, 1952, for use and operation in a coast station, a marine-fixed station or a marine-utility station on shore, and all radiotelephone transmitters licensed by the Commission after July 1, 1953, for use and operation in such classes of stations shall be used with a device that will automatically prevent modulation in excess of 100 percent. This requirement, however, shall not apply to transmitters incapable of a plate input power exceeding three watts which are authorized for marine-utility stations and other stations of portable nature.

(b) (1) Each radiotelephone transmitter authorized in a coast station license or a marine-utility station license granted, modified, or renewed by the Commission after July 1, 1951, for use and operation at frequencies above 30 Mc (other than transmitters authorized solely for developmental stations), must be a type which is acceptable to the Commission pursuant to the provisions of § 7.136.

(2) Before being finally considered for type-acceptance, such transmitters shall, in addition to meeting all other applicable requirements, comply with the following limitations and operating conditions:

(i) When radiating class F1, F2, or F3 emission on each marine radiochannel within the frequency-band 35 Mc to 44 Mc or within the frequency-band 156.35 Mc to 162.05 Mc, with 100 per cent modulation applied, the frequency deviation* shall not exceed 15 kc.

(ii) When radiating class F1, F2, or F3 emission on each radiochannel within the frequency-band 35 Mc to 44 Mc or within the frequency-band 156.35 Mc to 162.05 Mc, any emission appearing on any radio frequency removed from the carrier frequency by not less than 20 kc nor more than 40 kc shall be attenuated 25 decibels or more below the intensity of the unmodulated carrier.

(iii) Any spurious or harmonic emission appearing on any frequency removed from the carrier frequency by not less than 40 kc, shall be attenuated below the intensity of the unmodulated carrier by not less than the amount specified herewith:

Maximum authorized transmitter-power as specifically defined in § 7.8 (kk):	Attenuation (decibels)
3 watts or less.....	40
Over 3 watts and including 150 watts.....	60
Over 150 watts and including 600 watts.....	70
Over 600 watts.....	80

§ 7.138 Special requirements for radar transmitters. (a) Each radar transmitter authorized for use in the maritime radiolocation service by any station license granted, modified, or renewed by the Commission after July 1, 1950 (other than licenses for developmental stations), must be type-approved by the Commission.

(b) (1) In addition to meeting all other applicable requirements, such transmitters shall not have means available for any external adjustment(s) which can result in a deviation from the terms of the station authorization or any deviation from the applicable technical requirements for stations on land subject to this part with respect to the operation of radar transmitters.

(2) The provisions of § 7.136 governing the procedure to be followed for the purpose of obtaining type-acceptance of radio transmitters shall be applicable to radar transmitters for the purpose of requesting and obtaining type-approval thereof as required by paragraph (a) of this section.

SUBPART F—OPERATOR REQUIREMENTS

§ 7.151 Authorized operator required.

(a) The actual operation of all transmitting apparatus in any radio station subject to this part shall be carried on only by a person holding an operator license issued by the Commission in accordance with Part 13 of this chapter, subject, however, to the following provisions:

(1) When the station is used for telephony, the person actually operating the transmitting apparatus (normally a person holding an operator license issued by the Commission in accordance with Part 13 of this chapter), may if authorized by the station licensee to do so, permit any person to speak over the

* See pars. (x), (y), and (cc) of § 7.8.

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station microphone; provided, that during such transmission the station licensee or the licensed operator (acting in this respect as the station licensee's agent) shall exercise his lawful control with respect to operation of the station so as to insure compliance with all applicable laws and regulations. In this respect, a microphone (located, for example at a dispatch point) used in connection with any land-wire telephone circuit which is electrically connected to the modulating system of the radiotelephone transmitting apparatus shall be construed for the purpose of this paragraph to be the station microphone.

(2) When the station is used for telegraphy, transmitted manually by means of the International Morse Code, the transmitting telegraph key shall, wherever its location, be manipulated only by a person who holds an operator license of the class valid for the operation of the particular class of station being operated.

§ 7.152 Location of authorized operator. (a) Whenever the transmitting apparatus of a station subject to this part is being used or operated, and the provisions of section 318 of the Communications Act (in so far as such provisions require the actual operation of such apparatus only by a person holding an operator license of the proper class issued by the Commission) are not waived by the Commission, at least one person holding an operator license of the proper class as prescribed in Part 13 of this chapter shall be on duty at an authorized control point¹ of that station and shall be responsible for proper operation of the station as controlled from that location.

(b) Subject to the conditions stipulated in § 7.151, an unlicensed person at a dispatch point² may, after being authorized by the station licensee to do so, operate from that point a coast station or a fixed station: *Provided, however,* That such operation shall be under the direct supervision and responsibility of a person holding an operator license of the proper class issued by the Commission, who is on duty at an authorized control point associated for this purpose with the respective dispatch point.

§ 7.153 Unattended operation of fixed stations. (a) No person, whether or not a licensed operator, is required to be in attendance at any marine repeater station subject to this part which is licensed for operation solely on frequencies above 72 Mc with an authorized transmitter power not in excess of 100 watts when such station is being used and operated for re-transmission by self-actuating means of signals or communications being received simultaneously at that station from a marine control station, a marine relay station, or another marine repeater station: *Provided—*

(1) The emission of the station is controlled positively and solely by the received radio signals which, in accordance

with the station authorization, are intended to effect such control.

(2) The activation and de-activation of the station is controlled positively by either radio or wire-line signals transmitted from an authorized control point at which a duly licensed operator exercises such control.

(b) Nothing contained in paragraph (a) of this section shall be construed to change or diminish in any respect the responsibility of the station licensee for having and maintaining control of the marine-repeater station or for proper functioning and operation of the station in accordance with law.

§ 7.154 Adjustment or test of equipment. Notwithstanding any other provisions of this subpart, all adjustments or tests of radio transmitting apparatus in any station subject to this part during or coincident with the installation, servicing, or maintenance of such apparatus which may affect the proper operation of such station, must be performed by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the class of station involved, who shall be responsible for the proper functioning of the station equipment.

§ 7.155 Posting of operator license. When a licensed operator is required for the operation of a station subject to this part, the original license of each such operator while he is employed or designated as radio operator of the station shall be posted in a conspicuous place at the authorized control point at which the operator is stationed in accordance with the provisions of § 7.152: *Provided,* That the foregoing requirement shall not apply in the case of marine-utility stations on shore, upon the express condition that the licensed radio operator engaged in operating the station shall have on his person either his required operator license or a duly issued verification card (FCC Form 758-F) attesting to the existence of that license.

SUBPART G—GENERAL OPERATING REQUIREMENTS

§ 7.171 International Regulations applicable. In addition to being regulated by applicable rules of this part, the use and operation of stations subject to this part shall be governed by applicable provisions of the International Radio Regulations and the applicable radio provisions of all other international agreements in force to which the United States is a party.

§ 7.172 Cooperative use of frequency assignments. Unless provided otherwise by this part, or by the particular station authorization, each radiochannel authorized for use by a station subject to this part is available for such use on a shared basis only and shall not be construed as available for the exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective

frequency assignment in order to minimize interference and obtain the most effective use of the authorized radio-channels.

§ 7.173 Secrecy of communication. The station licensee, and the responsible radio operators, as well as all persons who may have knowledge of the text or of the existence of the radio communications transmitted or received by a land or fixed station subject to this part, or of any information whatever obtained by means of the radiocommunication service of such station, shall be under the obligation of observing and insuring the secrecy of communications to the extent required by the Communications Act and the International Radio Regulations.³

§ 7.174 Unauthorized transmissions. Stations operating in the maritime mobile service or in any fixed service subject to this part shall not engage in radiocommunication which is superfluous or unnecessary in that service. Except in an emergency which requires otherwise, the transmission by such stations of signals or communications not addressed to an authorized station or stations in an authorized maritime service is prohibited unless radiotelegraphy is used and the transmission, preceded by CQ or CP in accordance with the International Radio Regulations, is intended to be intercepted by authorized stations of the maritime mobile service.

§ 7.175 Suspension of transmission. Transmission shall be suspended immediately upon detection by the station or operator licensee or upon notification by the Commission of a deviation from the technical requirements of the station authorization and shall remain suspended until such deviation is corrected, except for transmission concerning the immediate safety of life or property, in which case transmission shall be suspended immediately after the emergency is terminated.

§ 7.176 Service of public coast stations. (a) Each public coast station shall, within the scope of its normal operations, be bound to exchange radio-communication with any ship or aircraft station at sea: *Provided,* That such exchange of radio-communication shall be without distinction as to radio systems or instruments adopted by each station.

(b) Each public coast station shall, within the scope of its normal operations and without discrimination, acknowledge all calls and receive all messages and communications from mobile stations (except land mobile stations) within range which are addressed or directed to it, transmit all messages and communications delivered to or via the coast station which are addressed or directed to mobile (except land mobile stations) stations within range, and in all respects, render a maritime mobile service of public correspondence without discrimination.

§ 7.177 Service of limited coast stations and marine-utility stations. (a)

³ See sec. 501, 502 and 605 of the Communications Act; also Article 21 of the International Radio Regulations, Atlantic City, 1947.

¹ The term "control point" is defined by par. (m) of § 7.7. See also §§ 7.31 and 7.71.

² The term "dispatch point" is defined by par. (n) of § 7.7. See also §§ 7.31 and 7.71.

³ See also §§ 13.72 and 13.74 of this chapter.

In addition to such messages as are necessary for compliance with § 7.178, and except as may be otherwise limited by the terms of this part governing the use of particular frequencies or by the terms of the station license, a limited coast station or a marine-utility station operated on shore is authorized to transmit within the scope of its normal operations messages necessary for the safe, expeditious or economical operation of ships or (when necessary) for the safety of aircraft.

§ 7.178 *General obligations of land stations.* (a) With respect to distress and the safety of navigation, life, or property, each coast station or marine-utility station shall, within the scope of its normal operation, acknowledge all such safety calls and receive all such safety communication² addressed or directed to it by ship or aircraft stations. Notwithstanding the terms and conditions of the station license, such stations may transmit safety communication to any ship or aircraft station in the maritime mobile service.

§ 7.179 *Message charges.* (a) (1) No charge shall be made for the service of any public coast station unless effective tariffs applicable to such service are on file with the Commission, pursuant to the requirements of Section 203 of the Communications Act and Part 61 of this chapter.

(2) No charge shall be made for the service of any station subject to this part, other than a public coast station, except as provided by and in accordance with § 7.352.

(b) No charge shall be made by any station in the maritime mobile service of the United States for the transmission of distress messages and replies thereto in connection with situations involving the safety of life and property at sea.

(c) No charge shall be made by any station in the maritime mobile service of the United States for the transmission, receipt, or relay of the information concerning dangers to navigation designated in paragraph (b) of § 8.303 of this chapter, originating on a ship of the United States or of a foreign country.

(d) Any common carrier subject to the Communications Act may furnish reports of positions of ships at sea to newspapers of general circulation, either at a nominal charge or without charge, provided the name of such common carrier is displayed along with such ship position reports.

(e) Any common carrier subject to the Communications Act may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file, in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the

names of the agencies to which free service was rendered pursuant to this paragraph, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for all such communications had been collected at the published tariff rates.

§ 7.180 *Priority of communications to be observed.* Stations in the maritime mobile service shall observe at all times the priority of communications set forth in § 7.181; in particular, all such stations shall give absolute priority to radio communications or signals relating to any ship or aircraft in distress; shall, when any distress signal or communication is anticipated or intercepted, cease all transmission on frequencies which may interfere with any station hearing such radio communication or signal of distress except when engaged in answering or aiding the ship or aircraft in distress, and shall assist the vessel or aircraft in distress, so far as possible, by complying with its instructions.

§ 7.181 *Order of priority of communications.* (a) The order of priority of radiotelegraph communications in the maritime mobile service on any frequency used for this service shall be as follows:

(1) Distress calls (including the international distress signal SOS) international automatic-alarm signals for distress purposes,³ distress messages, and distress traffic.

(2) Communications preceded by the international radiotelegraph urgency signal "XXX".

(3) Communications preceded by the international radiotelegraph safety signal "TTT".

(4) Communications relative to radio direction-finding bearings.

(5) Communications relative to the navigation and safe movement of aircraft.

(6) Communications relative to the navigation, movements, and needs of ships; including weather observation messages destined for an official meteorological service.

(7) Government communications for which priority right has been claimed.

(8) Service communications relating to the working of the radiocommunication service or to communications previously transmitted.

(9) All other communications.

(b) The order of priority of radiotelephone communications in the maritime mobile service on any frequency used for this service shall be as follows:

(1) Distress calls (including the international telephone distress signal "Mayday" and the telegraphic distress signal SOS transmitted by either telegraphy or telephony), distress messages, and distress traffic.

(2) Communications preceded by the international radiotelephone urgency

³ The international auto-alarm signal intended for use primarily in radiotelegraphy consists of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second.

signal "Pan", or known to the station licensee or his agent to consist of one or more urgent messages concerning the safety of a ship, aircraft, or other mobile unit or of some person on board or within sight of the ship, aircraft, or mobile unit.

(3) Communications preceded by the international radiotelephone safety signal "Securite," or known to the station licensee or his agent to consist of one or more messages concerning the safety of navigation or important meteorological warnings.

(4) Communications known to the station licensee or his agent to consist of one or more messages relative to the navigation, movements, and needs of ships; including weather observation messages destined for an official meteorological service.

(5) Government communications for which priority right has been claimed.

(6) All other communications.

§ 7.182 *Control by coast station.* When communicating with a mobile station in the maritime mobile service, coast stations may, for the sole purpose of reducing or avoiding interference, expediting communication and rendering an efficient service give instructions to the mobile station relative to the order and time of transmission, to the choice of authorized frequency, to the suspension of communication, and to the permissible type of message traffic that may be transmitted or received by the particular coast station. This provision, however, shall not apply in the event of distress, either actual or impending, except as provided, in respect to distress situations, by § 7.187 and applicable provisions of the International Radio Regulations.⁴

§ 7.183 *Prevention of interference.* (a) Before any signals or communications are transmitted on any frequency, the licensed operator attending a coast station (or in a public coast station using telephony the land-line telephone operator under the supervision of the licensed operator) shall first listen on the associated receiving frequency, and when necessary on the coast station transmitting frequency, to determine in so far as is practicable whether transmission by the coast station will interfere with communication already in progress, whenever the involved frequency or frequencies are assigned to other stations within the same interference area.⁵ Provided, That this requirement may be waived by the Commission upon application therefor in behalf of individual coast stations which employ other effective means to avoid interference.

(b) Whenever a radiocommunication in the maritime mobile service is already in progress between two mobile stations or between a mobile station and a coast station and it appears to be interfered with by a subsequent transmission from another mobile station, the latter must cease transmitting at the first request of either of the other two, except as priority may be otherwise determined by § 7.181. The station requesting this cessation

⁴ See Article 37 of the International Radio Regulations, Atlantic City, 1947.

⁵ For example, all stations in the Great Lakes region are considered to be in the same interference area.

² Par. (a) of § 7.7 defines "safety communication".

must indicate the approximate length of the wait imposed upon the mobile station whose transmission is suspended.

(c) Except in cases of distress, communications between ship stations or between ship and aircraft stations must not interfere with the work of coast stations. When this work is thus interfered with, the ship or aircraft station which causes it must stop transmitting or change frequency upon the first request of the coast station concerned.

(d) Coast stations when operating on a frequency below 3500 kilocycles or above 30 Mc shall not carry on, or attempt to carry on, communication with any station which, under the currently prevailing conditions of transmission or reception, is not within reliable communication range of the coast station: *Provided*, That this provision shall not apply in event of distress, either actual or imposing.

§ 7.184 *Transmission of traffic lists by coast stations.* (a) Public coast stations are authorized to transmit lists of official call signs (or in the use of telephony, the names of the respective ships) of mobile stations for whom they have public correspondence awaiting transmission. The use of calling frequencies for this purpose is prohibited; however, coast stations may announce on a calling frequency (including the assigned frequency 500 kc) that they are ready to begin transmission of such call lists on a specified radiochannel authorized for working.

(b) In operating pursuant to paragraph (a) of this section, public coast stations using telegraphy shall be governed by the applicable provisions of the International Radio Regulations.*

§ 7.185 *Transmission to plurality of mobile stations.* Information for the general benefit of mariners (including storm warnings and ordinary weather and hydrographic information) and press material may be transmitted by a coast station simultaneously to a plurality of mobile stations in the maritime mobile service: *Provided*, That the times at which such transmissions (except storm warnings and urgency and safety measures) are scheduled to begin, the maximum duration of each such transmission, and the specific radio-channels and class of emission used therefor, shall, with respect to each coast station, be subject to approval by the Commission.

§ 7.186 *Hours of service of land stations.* (a) Each coast station or marine-utility station on shore whose hours of service are not continuous shall not suspend operation before having concluded all communication required in connection with a distress call or distress traffic.

(b) Each public coast station whose hours of service are not continuous shall not suspend operation before having concluded all communication (in addition to that designated in paragraph (a) of this section), within the scope of its nor-

mal operations, involving messages or calls originating in or destined to mobile stations or marine fixed stations which are within normal range of the coast station and which, in the case of mobile stations, have signalled their presence before the effective suspension of operation of the coast station.

(c) Unless otherwise authorized by the Commission upon adequate showing of need therefor, each class I public coast station shall maintain continuous hours of service during the entire period of validity of the station license.

(d) Unless otherwise specified by the Commission for particular stations, the hours of service of each class II and class III public coast station shall, within the scope of its normal operations, be such as to adequately meet the requirements of the particular region served by the station.

(e) Unless otherwise specified by the Commission for particular stations, the hours of service of limited coast stations and marine-utility stations on shore shall be determined by the station licensee in accordance with the requirements of the respective ships served by each station.

(f) The Commission, as public interest, convenience, or necessity requires, may order, at any time, the licensee of a public coast station not authorized for continuous hours of service to increase the hours of service of such station as may, in the discretion of the Commission, be required to provide adequate public service: *Provided*, That such requirement shall not be prescribed without the consent of the station licensee unless, after hearing, the Commission shall determine that such requirement will promote public convenience or interest or will serve public necessity, or the provisions of the Communications Act will be more fully complied with.

§ 7.187 *Procedure relative to distress communication.* In addition to the governing provisions of the International Radio Regulations¹ applicable to the transmission and interception of distress signals and the handling of distress traffic, land stations which are subject to this part shall, in cases of distress, be governed by the following paragraphs of this section.²

(a) *Acknowledgment of distress message.* Any station in the maritime service which receives a distress message relative to a vessel, aircraft, or other unit which is beyond any possible doubt, in the vicinity of that station, shall, when it has appropriate transmitting apparatus available, immediately acknowledge receipt. If it appears that the vessel, aircraft, or other unit distress is not in its vicinity, a short interval of time shall elapse before the station acknowledges receipt of the distress message, in order to permit stations that may be nearer to the location of the distress to reply and acknowledge receipt without interference. All stations in the maritime service which hear a distress signal or mes-

sage must cease immediately any transmission capable of interfering with the distress signal or message and shall listen on the frequency used for the distress signal and message.

(b) *Form of acknowledgment by telegraphy.* The acknowledgment of receipt of a distress signal or message is transmitted, when telegraphy is used, in the following form:

- (1) Call sign of the mobile station in distress (transmitted 3 times);
- (2) The signal "de";
- (3) Call sign of the station acknowledging receipt (transmitted 3 times);
- (4) The signal "RRR"; and
- (5) The distress signal.

(c) *Control of distress traffic.* (1) The control of distress traffic is the responsibility of the mobile station in distress, or the station which has transmitted the distress call. These stations may, however, delegate the control of the distress traffic to another station.

(2) When any station has assumed control of distress traffic, it shall be responsible for maintaining silence on the distress frequency, or the frequency being used for distress traffic, for all emissions except distress signals and distress traffic, and for clearing the distress frequency when the distress traffic has ceased.

(3) The station in distress or the station in control of the distress traffic may impose silence either on all stations of the mobile service in the area or on any station which interferes with the distress traffic. In telegraphy, the service abbreviation "QRT" followed by the distress signal (... — — — ...) is used to impose silence for this purpose.

(4) Any station engaging in radiocommunication with the mobile station in distress or with the station in control of the distress traffic may impose silence on any station which interferes with distress traffic. In telegraphy, this is indicated by using the signal "AS" (... — — —) followed by the word "distress" and the call sign of the station imposing silence.

(5) The use of the radiotelegraph service abbreviation "QRT" followed by the distress signal (... — — — ...) must be reserved, as far as possible, for the mobile station in distress and for the station controlling distress traffic.

(6) Any station which has been notified to cease transmission in connection with a situation of distress shall not resume transmission on any frequency which may cause interference to distress signals or traffic until notified by the station in control of the distress traffic that the distress traffic has ceased and transmission may be resumed, or until notified by the station issuing the original notice that transmission from the station in question will not interfere with the distress signals or traffic.

(d) *Supplemental transmissions.* (1) A coast station equipped for telegraphy and located in the general vicinity of the vessel, aircraft, or other unit in distress shall, if possible and when deemed appropriate by the licensed radiotelegraph operator on duty at that station, transmit the radiotelegraph alarm

* See Article 30, paragraph 3 of the International Radio Regulations, Atlantic City, 1947.

¹ See Article 37 of the International Radio Regulations, Atlantic City, 1947.

² See also Subpart J of Part 8 of this chapter pertaining to mobile stations.

signal* on the frequency 500 kc using the maximum available power and class A2 emission, when—

(A) A distress call has been transmitted and was not preceded by the alarm signal; or

(B) Upon audible reception of an alarm signal which appears to be ineffective by reason of improper timing, improper class of emission, insufficient signal strength, interference, or excessive deviation from the frequency 500 kc.

(2) When a coast station has heard a distress call or distress message for which acknowledgment of receipt has not been given promptly, and when the intercepting station itself is not in a position to render assistance, it shall, subject to the discretion of the licensed operator on duty at that station, make every effort possible to attract the attention of any station in the maritime service which appears to be in a position to render assistance. For this purpose, transmission of the distress call and distress message may be repeated, if possible on the frequency 500 kc using the maximum available power and if possible class A2 emission, and/or on such other frequency and with such other class of emission as may be deemed necessary or helpful¹⁰. At the same time all necessary steps shall be taken to notify the authorities who may be able to intervene usefully.

(3) A coast station which repeats a distress call or distress message shall follow it by the words "transmitted for (insert identity of mobile craft in distress) by", and thereafter its own call sign transmitted 3 times. In radiotelegraphy, the repetition of the distress call or distress message on 500 kc shall, when circumstances permit, be preceded by transmission of the 500 kc international alarm signal followed by an interval of 2 minutes.

§ 7.188 Radiotelegraph watch by coast stations. (a) All coast stations (public and limited) licensed to use telegraphy on frequencies within the frequency-band 365 to 515 kc shall, during their hours of service, take the necessary measures to insure an efficient safety watch by a duly licensed radiotelegraph operator on the international distress frequency 500 kc for three minutes twice each hour, beginning at x h 15 and x h 45, Greenwich mean time (G. M. T.). For this purpose, either a head receiver or a loudspeaker may be used, on condition that use of the loudspeaker is not less

* This alarm signal consists of a series of 12 dashes transmitted in one minute, the duration of each dash being 4 seconds and the duration of the interval between 2 consecutive dashes being one second. The distress signal (. . . — — — . . .) shall be transmitted 3 times immediately after the alarm signal, in order to operate such automatic apparatus as may be designed to be actuated by the normal distress signal on 500 kc.

¹⁰ In the Great Lakes region, the frequency 2182 kc may be used with class A3 emission, and additionally in other regions where its use may prove beneficial in securing assistance for the mobile unit in distress.

effective than use of the head receiver. While maintaining this watch, the operator shall not use or operate any radio equipment (such as, for example, broadcast receivers, or amateur transmitters or receivers) not actually required in connection with maritime mobile service.

(b) All public coast stations licensed to use frequencies in the authorized bands between 365 and 515 kc shall, during their hours of service, remain on watch on the calling frequency 500 kc, except when the operator is transmitting on 500 kc, operating the station transmitting or receiving equipment on any other frequency authorized for transmission or reception in the maritime mobile service (including maintenance of the watch on 143 kc if required as provided by paragraph (c) of this section) if it is not possible to maintain at the same time, by any practicable means,¹¹ the watch for calls on 500 kc. The provisions of this section, however, shall not relieve the coast station from complying with the requirements for a safety watch as prescribed in paragraph (a) of this section.

(c) On condition that compliance with the following requirement shall in no way interrupt or reduce the efficiency of the safety watch prescribed in paragraph (a) of this section, each coast station equipped and licensed for communication by means of class A1 emission on frequencies within the band 100 to 160 kc shall, during its hours of service when not engaged in communication with another station of the maritime mobile service, keep watch for calls every hour on the frequency 143 kc for five minutes beginning at x h 35, Greenwich mean time (G. M. T.).

§ 7.189 Radiotelephone watch by coast stations. (a) Each public coast station licensed to use telephony shall, during its hours of service, keep watch on the radio-channel(s) authorized for working, which are used normally by mobile stations for transmission by telephony to the particular coast station; or in lieu of such watch, the coast station shall, during its hours of service, monitor such radio-channel(s) by any apparatus which will automatically intercept signals from mobile stations with no less efficiency than that attainable by a watch and which automatically indicates the interception of such signals by either aural or visual means.

(b) As an alternative to keeping watch on (or monitoring) the working radio-channel(s) as prescribed by paragraph (a) of this section, a public coast station may, in the discretion of the station licensee, keep watch on (or monitor) the comparable radio-channel(s) designated for calling by telephony (assigned frequency 2182 kc, comparable to working channels within the band 1600 kc to 3500 kc; assigned frequency 156.8 Mc, comparable to working channels within the band 100 to 200 kc).

¹¹ Any practicable means of maintaining this watch would include a loudspeaker or head receiver energized, if necessary, by an additional radio receiver (other than the receiver actually in use for non-watch purposes) which is tuned to 500 kc.

(c) Pending final decision by the Commission in Docket 9797 in respect to this paragraph, the following provision shall continue in effect. Each coast station in the Great Lakes area using telephony and licensed to transmit on one or more frequencies within the band 2500 to 2600 kc shall maintain, during its hours of service, an efficient¹² watch for the reception of class A3 emission (telephony) on the frequency 2182 kc.

(d) With respect to those provisions of paragraphs (a), (b) and (c) of this section pertaining to watch, the person who keeps such watch shall, in each instance, and at all times during the hours of service of the station, be a person who is authorized by the station licensee to operate, in accordance with applicable law and regulations, the appropriate radiotelephone transmitting apparatus of the particular station.

§ 7.190 Maintenance tests. Stations subject to this part are authorized to engage in a minimum amount of test transmissions when considered by the station licensee to be necessary for the proper maintenance of the station: *Provided*, That precautions shall be taken always to avoid, in so far as may be possible, interference to other stations: *Further provided*, That this test transmission shall conform to such test operating procedure as is prescribed elsewhere in this part for the particular class of station involved.

§ 7.191 Inspection of antenna tower lighting. (a) The licensee of a station subject to this part which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (g) of the Communications Act shall:

(1) Make a daily check of the tower lights not later than one hour after local sunset either by visual observation of the tower lights or by observation of an automatic indicator to insure that all such lights are functioning properly as required;

(2) Report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of any code and/or rotating beacon light(s) if such failure(s) is (are) not corrected within 30 minutes after observation thereof, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given the above station or office immediately upon resumption of the required illumination; and

(3) Inspect at intervals of at least once each 3 months all code and rotating beacon light(s) and automatic lighting control devices to insure that such apparatus is functioning properly as required.

(b) The station licensee or his representative shall make entries in the radio station log appropriate to the require-

¹² This watch will not be deemed "efficient" unless the coast station is capable of normally receiving class A3 emission on 2182 kc from ship stations while the coast station is transmitting on any other authorized frequency or frequencies.

ments of paragraph (a) of this section, as follows:

(1) The date and time of each day that the tower lights are turned on and off, if manually controlled;

(2) The time that the daily check of proper operation of the tower lights was made, either by visual observation of the tower lights or by observation of an automatic indicator;

(3) In the event of any observed failure of the tower lighting:

(i) Nature of such failure;

(ii) Date and time that the failure was observed;

(iii) Date, time, and nature of the adjustments, repairs, or replacements made;

(iv) Entry showing the identification of the Airways Communication Station (Civil Aeronautics Administration) which was notified of the failure of any code and/or rotating beacon light(s) not corrected within 30 minutes after observation and an entry of the date and time that such notice was given;

(v) Date and time that notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed;

(4) Upon completion of the periodic inspection required by subparagraph (3) of paragraph (a) of this section:

(i) The date of the inspection and the condition of all required lights and associated lighting control devices, together with the measured voltage under normal load at a reference point in the lighting circuit and the computed voltage at each lamp socket.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

§ 7.192 Maintenance of station log.

(a) Each station subject to this part which is required, under the provisions of this part pertaining to the particular class of station, to keep a radio station log, shall, in addition, comply with the applicable provisions of the following paragraphs of this section; the station licensee and the licensed radio operator (when a licensed operator is required) in charge of the station shall be responsible for compliance with this section.

(b) The log shall be kept in an orderly manner, in useable form, and in such detail that the information required for the particular class of station concerned is readily available. Key letters or abbreviations may be used if their proper meaning or explanation is contained elsewhere in the same log.

(c) The station log or any portion thereof shall not be erased, obliterated, or wilfully destroyed within the period of retention required by § 7.115. However, during this period any necessary correction may be made of such log but only by the person originating the entry and that person shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

SUBPART H—COAST STATIONS, USE OF TELEGRAPHY

§ 7.201 *Supplemental eligibility requirements for public coast station authorization.* (a) Subject to the basic eligibility requirements set forth in § 7.23, an authorization for a public coast station may be granted to any person, or State or local government subdivision, or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act, provided the applicant is legally, financially, and technically qualified to render the proposed service, and the public interest, convenience or necessity would be served by a grant thereof.

§ 7.202 *Points of communication.* (a) Subject to the conditions and limitations imposed by the terms of the particular coast station license or by the applicable provisions of this part with respect to the use of particular radio-channels, public coast stations using telegraphy are authorized to communicate—

(1) With any ship station or aircraft station operating in the maritime mobile service, for the transmission or reception of safety communication;

(2) With any land station for the purpose of facilitating the transmission or reception of safety communication to or from a ship or aircraft station;

(3) With public ship stations, Government ship stations, aeronautical public service stations on board aircraft, and Government aircraft stations, for the transmission or reception of public correspondence—

(i) When the mobile station uses telegraphy on a frequency assignment available under the provisions of Part 8 of this chapter for use by ship stations for communication by means of telegraphy with public coast stations, or—

(ii) In respect to a United States Government or foreign ship or aircraft station, when such mobile station uses telegraphy on a frequency assignment available in accordance with the International Radio Regulations for use by ship stations for communication by means of telegraphy with public coast stations.

(b) Upon application, a public coast station using telegraphy may be authorized to transmit press material, and meteorological and marine navigational information of benefit to mariners, additionally to designated fixed locations, whenever the same information is transmitted by such coast station simultaneously and primarily to ship stations: *Provided*, A sufficient need for such authorization is shown to exist.

(c) Each public coast station using telegraphy is authorized to communicate additionally with other public coast stations¹ using telegraphy when such communication is necessary to facilitate the disposal of message traffic (public correspondence or safety communication) destined to or originated at mobile stations (public ship stations or aeronautical public service stations aboard

¹ Includes Government stations open to public correspondence.

aircraft) subject to and in accordance with the express conditions hereinafter set forth:

(1) For the interchange of operating signals, brief service messages or safety communication;

(2) For the transmission or receipt of message traffic destined to a mobile station which, by reason of its known or reported geographic location at the time, can be communicated with more effectively or more expeditiously by the coast station which receives such message traffic for relay to the mobile station; *Provided, however*, That this procedure shall not be used for normal routing of radio traffic, but only when the coast station initially concerned is unable to communicate in an effective manner directly with such mobile station;

(3) For the transmission or receipt of message traffic, which originated at a mobile station, by a public coast station in the Great Lakes region exclusively, when the use of available point-to-point communication facilities would unduly delay the delivery of such message traffic to the addressee(s).

(4) Such communication as is permissible under subparagraphs (2) and (3) of this paragraph shall be conducted only in exceptional circumstances and with discretion, without incurring additional charges: *Provided*, Such utilization of radiotelegraphy shall not in any way replace or be used in lieu of point-to-point communication facilities which are available for the forwarding of message traffic to and from the particular coast stations involved;

(5) Only radio-channels authorized for working with ship stations (and used primarily for that purpose) shall be employed for this communication between coast stations and, in so far as may be practicable, only authorized frequencies within the band 415 kc to 5000 kc shall be used;

(6) All communications engaged in under the provisions of this paragraph shall be confined exclusively to that which is actually required to facilitate the transmission or reception of ship-shore public correspondence or to enhance safety at sea;

(7) Neither harmful interference nor intolerable delay shall be caused to communication between mobile stations and land stations or to communication between mobile stations.

§ 7.203 *Supplemental eligibility requirements for limited coast station authorization.* (a) Subject to the statutory eligibility requirements set forth in § 7.23, an authorization for a limited coast station using telegraphy may be granted to any person, or state or local government subdivision, or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act: *Provided*, The applicant is—

(1) Regularly engaged in performing a service for one or more governmental agencies; or

(2) An organization of which all persons who are members or shareholders are regularly engaged in performing a service for one or more governmental agencies; or

(3) A non-profit corporation or association, organized for the purpose of furnishing a maritime mobile service solely to persons who are regularly engaged in performing a service for one or more governmental agencies.

(b) Each application for station authorization for a limited coast station shall be accompanied by a written statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section.

§ 7.204 *Points of communication of limited coast stations.* (a) Limited coast stations using telegraphy are authorized to communicate normally with the categories of ship stations designated herewith, subject to the conditions and limitations imposed by the terms of their particular station licenses or by the applicable provisions of this part with respect to the use of particular radio-channels:

(1) Any ship station using telegraphy on the assigned frequency 500 kc;

(2) Specified limited ship stations licensed by the Commission and using telegraphy on a frequency assignment designated for this purpose;

(3) Specified public ship stations licensed by the Commission and using telegraphy on a frequency assignment designated for this purpose;

(b) With respect to the terms of paragraphs (a) (2) and (3) of this section, the specific ship stations with which a limited coast station is authorized to communicate shall be designated appropriately in the license of such coast station.

§ 7.205 *Nature of service of limited coast stations.* (a) Limited coast stations using telegraphy shall—

(1) Not be open to public correspondence;

(2) Not be used to render a communications common carrier service;

(3) Not be used for the transmission of press material or news items which are not required to serve a governmental purpose.

(4) Be used exclusively to serve governmental purposes including the transmission of safety communication.*

(b) In areas where adequate and appropriate weather and hydrographic information is transmitted by means of telegraphy through the medium of one or more public coast stations or United States government stations, limited coast stations shall not duplicate that service. In all other respects, limited coast stations may transmit by means of telegraphy such weather and hydrographic information as is required for the ships with which they normally communicate.

§ 7.206 *Assignable frequencies.* (a) Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be licensed as an assigned frequency* for use by coast stations (public or limited) employing telegraphy subject to and in accordance with the provisions of paragraph (b) of this section and Subpart E of this part,

*See par. (a) of § 7.7 which defines "safety communication".

*The definition of "assigned frequency" is set forth in paragraph (u) of § 7.8.

and upon the express condition that interference shall not be caused to any service or station which, in the discretion of the Commission, may have priority on the frequency or frequencies involved: *Provided*, That the use of each of these frequencies may be restricted by the Commission to specific areas or locations in order to avoid or minimize interference between stations: *Further provided*, That frequencies below 150 kc are assignable to class I coast stations only; frequencies above 5000 kc are assignable primarily to class I coast stations, and secondarily to class II coast stations serving inland waters of the United States (including the Great Lakes) subject to showing of need therefor and on condition that interference shall not be caused to any class I coast station:

*105	*173
*107	*174
*109	*176
*110	*177
111	*178
112	*179
114	*180
116	*181
117	*182
118	*183
119	*184
120	*186
121	*187
123	*188
124	*189
125	*191
126	*193
127	*392
129	*394
130	*406
131	*408
133	*410
134	418
135	420
136	422
137	*425
138	430
139	432
140	436
141	438
143 calling	442
145	*448
146	*452
147	*454
148	*460
149	*462
150	466
*161	472
*162	474
*163	476
*164	478
*165	482
*166	484
*167	500 calling only
*168	*2274
*169	*3030
*170	4140 calling
*171	4462.5

*Not later than the date on which the new International Frequency List becomes effective as provided by Article 47 of the International Radio Regulations, Atlantic City, 1947, the development of long-distance radionavigation systems is authorized in the frequency-band 90 to 110 kc. This band will become exclusively allocated wholly or in part for the use of any one such system as soon as such system is internationally adopted. During the experimental period prior to the international adoption of any long-distance radionavigation system in this band, the rights of existing stations operating in this band will continue to be recognized.

*Subject to the special conditions and limitations set forth in par. (b) of this § 7.206.

4705	*11310
4780	*11325
4785	*11340
4790	*11355
5520 calling	12420 calling
5540	12495
5545	12510
5550	12525
5555	12550
5560	12555
5565	12570
6210 calling	12580
6250	12585
6260	12590
6270	12592.5
6280	12630
6290	12645
6300	12660
6310	12675
6320	12720
6330	12735
6340	12750
6350	13050
6360	13065
6370	13080
6380	13170
6390	16560 calling
6400	16670
6410	16690
6440	16700
6450	16720
8280 calling	16740
8350	16760
8360	16770
8370	16780
8375	16785
8380	16790
8390	16800
8420	16840
8430	16860
8435	16880
8440	16900
8445	16920
8450	16930
8452.5	16970
*8480	16980
*8490	16990
*8495	*21750
*8500	21775
*8570	21800
*8580	21825
8640	21850
8670	21875
8680	21900
8687.5	21950
8690	21975
11040 calling	22080 calling
11115	22225
11130	22250
11145	22275
11160	22300
11175	22325
11190	22350
11200	22400
11205	22425
11220	22450
11235	22475
11250	22500
11265	22550
11280	22600
*11295	22650

(b) (1) The frequency 410 kc shall not be used to communicate with ship stations on the Great Lakes or on inland waters; further, the use of this frequency for communication between coast stations pursuant to paragraph (c) of § 7.202 is authorized only for coast stations located on or near the seacoast which serve primarily ships at sea.

(2) In consideration of the fact that the frequency 455 kc is widely used as a standard intermediate frequency for the superheterodyne type of radio receiver, applications requesting assignment of one or more of the frequencies 448, 452, 454, 460, and 462 kc will be considered in relation to the possibility of general

interference with the operation of receiving equipment of this type.

(3) The frequency 2274 kc is authorized for use in communicating with ship stations on the Great Lakes or on inland waters exclusively, upon the express condition that interference shall not be caused to stations of Canada.

(4) The frequency 3030 kc is authorized solely for use by coast stations located in the vicinity of the Mississippi River and connecting inland waters (other than the Great Lakes), upon the express condition that interference shall not be caused to stations of Canada.

(5) The frequencies 8,480, 8,490, 8,495, 8,500, 8,570, 8,580, 11,295, 11,310, 11,325, 11,340, and 11,355 kc are authorized for use by coast stations upon the express condition that interference shall not be caused to intercontinental aeronautical services.

(6) Each of the frequencies 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 173, 174, 176, 177, 178, 179, 180, 181, 182, 183, 184, 186, 187, 188, 189, 191, 193, 392, 394, 406, 408, 410, 425, and 454 kc is assignable only to a coast station whose frequency assignment, prior to the effective date of this section, included the particular frequency to be authorized, as an assigned frequency for that station. Beginning not later than the date on which Paragraph (4) of Article I of the Inter-American Radio Agreement, Washington, 1949, becomes effective or not later than the date on which the new International Frequency List becomes effective as provided by Article 47 of the International Radio Regulations, Atlantic City, 1947, whichever first occurs, these frequencies will not be assignable in accordance with international agreement to coast stations.

(7) The assigned frequency 21750 kc is authorized for use by coast stations upon the express condition that interference shall not be caused to any international broadcasting service.

(8) Except as otherwise provided in subparagraph (9) of this paragraph, specific frequencies, other than those listed in paragraph (a) of this section must be requested as set forth in § 7.47 and may not be assigned except in accordance with applicable international agreement and subsequent to appropriate rule making procedures.

(9) In addition to the frequency assignment designated for telegraphy in the license of a coast station (public or limited), such station when communicating by telegraphy with a mobile or coast station of the United States Government may, on the condition that its emission-bandwidth and frequency tolerance shall be within the respective limits thereof permitted for the government station, transmit on a radio-channel assigned to the United States Government when authorized or directed to do so by the government station responsible, or by the government department or agency for which the radio-channel is authorized. The coast station assigned frequency, the class of emission, and the permissible class of traffic on such radio-channel shall be designated by the government station, or the responsible government department or agency.

§ 7.207 *Frequencies for calling.* (a) The general international calling frequency is 500 kc; the radio-channel of which this frequency is the assigned frequency shall be appropriately used by any coast station engaged in radiotelegraphy in the authorized bands between 365 and 515 kc. The radio-channel for replying to a call sent on the general calling channel (500 kc assigned frequency) is the same channel as that used for the call. A coast station, however, may reply to calls by transmitting on a working frequency, when a mobile station requests the use of this procedure. (In Region 2, and in other areas of heavy radiotelegraph traffic in this band, ship stations normally request coast stations to answer by means of their normal working channel.) In order to facilitate the reception of distress calls, all stations using the radio-channel of which 500 kc is the assigned frequency shall reduce to the minimum their transmissions on this channel.

(b) The frequency 143 kc is the international calling frequency in the maritime mobile service in the band 100 to 160 kc (class A1 emission only). (When a ship station which uses frequencies within the band 100 to 160 kc desires to establish communication with a coast station, it normally calls that station on the frequency 143 kc, unless the International List of Coast and Ship Stations provides otherwise.) This frequency is authorized to be used exclusively for individual calls and replies to such calls and for the transmission of signals preparatory to traffic.

(c) The radio-channels of which the frequencies between 4,000 kc and 23,000 kc, designated for "calling" in paragraph (a) of § 7.206, are the assigned frequencies and shall be used primarily for calling and answering; with the exception of 8,280 kc they may be used otherwise on a secondary basis only as provided by paragraph (e) of § 7.208.

(d) In addition to the radio-channels of which the assigned frequencies are specifically authorized herein for "calling", all radio-channels within the band 4,000 kc to 23,000 kc similarly authorized for working may be used for calling also: *Provided*, Interference is not caused to any communication in progress on the particular working channel.

§ 7.208 *Frequencies for working.* (a) Each assigned frequency listed in paragraph (a) of § 7.206, and which is not identified therein with a specific use or function, is authorized as an assigned frequency for "working".

(b) The calling channel of which 500 kc is the assigned frequency may be used for the transmission of distress, urgency, and safety messages; any other use of this channel for working is prohibited.

(c) Coast stations having frequency assignments within the band 5,000 kc to 25,000 kc shall conduct their operations so as to reserve, in so far as is practicable, the use of frequencies within this band for communication over the relatively long distances for which these frequencies are particularly effective.

* Coast stations reply on their normal working frequency in this band.

(d) In addition to the frequency assignment designated for telegraphy in the license of a ship station, such station, when working by means of telegraphy with a coast station, may, on condition that its emission-bandwidth and frequency tolerance shall be within the respective limits thereof permitted for the coast station, transmit—

(1) On a telegraph working channel of a coast station within the band 110 to 194 kc when directed to do so by the coast station for which the channel is authorized: *Provided*, Interference is not caused to the service of any land, fixed, broadcast, or radiolocation station: *And Provided*, That the emission shall be class A1 only.

(2) On a telegraph working channel of a coast station within the bands 385 to 435 kc and 4,000 kc to 23,000 kc when directed to do so by the coast station for which the channel is authorized.

(3) Coast stations are authorized to direct ship stations to operate in accordance with the provisions of this section, whenever such means of operation is possible and appropriate.

(e) In addition to the radio-channels of which the assigned frequencies are designated by paragraph (a) of this section "working", the radio-channels within the band 4,000 kc to 23,000 kc (except 8,280 kc) of which the assigned frequencies are designated in paragraph (a) of § 7.206 for "calling" may be used, occasionally and with discretion, for working; on condition that interference shall not result to calling, answering, and the exchange of operating signals on the same channel.

§ 7.209 *Use of Morse Code required.* (a) The signal code employed for telegraphy by stations in the maritime mobile service shall be the Morse Code signals specified in the Telegraph Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947). However, for radiotelegraph communication of a special character, the use of other signals may be specifically authorized by the Commission in response to an appropriate application therefor.

§ 7.210 *Identification of stations.* (a) All radiotelegraph emissions of a coast station shall be clearly identified by transmission therefrom of the official call letters assigned to that station for telegraphy by the Commission. These call letters shall be transmitted by telegraphy in accordance with § 7.209 and the procedure set forth in the International Radio Regulations, and by means of the class of emission normally used by the station for telegraphy: *Provided*, They shall be transmitted always upon completion of any transmission when the station resumes its watch or suspends transmission for an indefinite time; in addition they shall be transmitted at intervals not exceeding 20 minutes whenever transmission is sustained for a period exceeding 20 minutes.

§ 7.211 *Procedure in testing.* (a) Coast stations must use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to

the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the radiotelegraph testing procedure described below shall be followed.

(1) The licensed radiotelegraph operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress.

(2) The operator shall transmit the signal "IE" (two dots, space, one dot) on the test frequency as a warning that test emissions are about to be made on that frequency. When the frequency or frequencies of the test emissions is/are within the frequency-band 365-515 kc, a listening watch shall be maintained on 500 kc by a licensed radiotelegraph operator at the station throughout the test period.

(3) If, as a result of transmitting the test signal "IE", any station indicates, by transmitting the signal "AS" (wait), that it anticipates harmful interference, testing shall be suspended. When transmission of "IE" is resumed and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph.

(4) Test signals composed of a series of "VVV" followed by the call sign of the testing station shall be transmitted. The call sign shall be sent clearly and at relatively slow speed.

(b) When testing is conducted on the frequency 500 kc, the test signals shall not continue for more than 10 seconds, and no tests shall be conducted during the 500 kc silent periods. Care must be exercised not to so prolong and space the dash portion of the "VVV" series as to form the alarm signal.

§ 7.212 Radiotelegraph operating procedure. (a) Except for the transmission of distress or urgency signals, all transmissions by coast stations must cease within the band 485 to 515 kc during each 500 kc silent period, i. e., for three minutes twice an hour beginning at x h 15 and x h 45, Greenwich mean time (G. M. T.).

(b) In order to facilitate radiotelegraph communication in the maritime mobile service, all coast stations transmitting by means of telegraphy shall, whenever practicable, use the service abbreviations ("Q" signals) listed in Appendix 9 of the International Radio Regulations (Atlantic City, 1947).

(c) In addition to compliance with all applicable sections of this part, the operation of coast stations using telegraphy for call, reply, and the transmission of message traffic shall, in particular, comply with all applicable provisions of Articles 23 (except subparagraph (2) of paragraph 8 thereof), 30, 31, 32, 38, 39, and 40 of the International Radio Regulations (Atlantic City, 1947).

§ 7.213 Station documents. (a) All public coast stations using telegraphy shall be provided with the following documents:

(1) A valid station license, available in accordance with the provisions of § 7.102;

(2) The necessary operator license or licenses, available in accordance with the provisions of § 7.102;

(3) The station log required by this part;

(4) The Alphabetical List of Call Signs prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938);

(5) The List of Coast Stations and Ship Stations prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938);

(6) The List of Stations performing Special Services prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938);

(7) Such provisions of the General Radiocommunication Regulations (Revision of Cairo, 1938), including Article 7, paragraph 7 thereof as are necessary for the operation of the radiocommunication service rendered by the coast station;

(8) Such provisions of the International Radio Regulations (Atlantic City, 1947), including Articles 29, 30, 31, 32, 35, 37, 38, 39, 40, and 41, as are necessary for the operation of the radiocommunication service rendered by the coast station;

(9) Parts 7 and 8 of the rules of the Commission.

(b) All limited coast stations using telegraphy shall be provided with the documents prescribed by subparagraphs (1), (2), (3), (7), (8), and (9) of paragraph (a) of this section.

(c) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

§ 7.214 Station records. (a) Public coast stations using telegraphy shall maintain an accurate radiotelegraph log during their hours of service, as herein-after specified—

(1) Each sheet of the log shall be numbered in sequence and dated and shall include the official call sign of the coast station and also the signature(s) of the licensed operator(s) performing operating duties.

(2) The entry "on duty" shall be made by the operator beginning a duty period, followed by his signature. The entry "off duty" shall be made by the operator being relieved or terminating a duty period, followed by his signature. All log entries shall be currently completed and all entries shall, unless otherwise stated, be made by a licensed operator on duty. The use of initials or signs is not authorized in lieu of any operator's signature required by this section.

(3) The date and time of making an entry shall be shown opposite the entry and the time shall be expressed in Greenwich mean time (GMT),^{*} except that in the Great Lakes region, the time shall be expressed in eastern standard time (EST) (counted from 00:00 to 24:00 o'clock, beginning at midnight), and for coast stations which communicate exclusively with vessels on inland waters

of the United States (other than the Great Lakes) the time shall be expressed in local standard time (EST, CST, etc., counted from 00:00 to 24:00 o'clock, beginning at midnight). The first entry in each hour shall consist of 4 figures; additional entries in the same hour may be expressed in 2 figures by omitting the hour designation. The abbreviation "GMT" (EST in the Great Lakes area) (EST, CST, etc., for stations serving inland waters exclusively) shall be marked at the head of the column in which the time is entered.

(4) With respect to coast stations which, by reason of the provisions of Subpart G of this part, are required to maintain a watch on the radio-channel designated for radiotelegraph calling and distress (assigned frequency 500 kc), entries shall be made showing each time this watch is begun, suspended, or concluded; without any requirement, however, of making such entries during interruption of this watch as may be necessary during hours of service for calling, answering, and exchanging operating signals and safety communications on this radio-channel. In respect to coast stations which, under applicable provisions of Subpart G of this part are required to maintain a watch on 500 kc during the 500 kc silent periods, a positive entry shall be made in respect to each such silent period, stating whether or not signals were received during that time and, if signals are received, entry shall be made of the call sign(s) of the station(s) heard and the time(s) of such reception. The use of a rubber stamp or equivalent device for making entries to show observation of the silent period is prohibited. Further, in respect to coast stations which, under applicable provisions of Subpart G of this part, are required to maintain a watch on 500 kc during their hours of service (i. e., not limited solely to the 500 kc silent periods), a positive entry shall be made at least once in each 15 minutes stating whether or not signals were received on this radio-channel (assigned frequency 500 kc) and, if signals are received, entry shall be made of the call sign(s) of the station(s) heard and the time(s) of such reception.

(5) All distress calls, alarm signals, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radio-channels on which such signals or messages were transmitted or received, and the position of any ship or other mobile unit in need of assistance, if this can be determined.

(6) All calls transmitted from or received by the coast station, together with a brief notation of any messages transmitted or received, shall be entered, showing the respective times, official call signs of the mobile or land stations communicated with, and the assigned frequency(s) on which the operations occurred.

(7) Whenever harmful interference is experienced by or reported to the re-

^{*}For example, 8:01 p. m. eastern standard time should be entered as 0101 GMT; 8:30 a. m. eastern standard time should be entered as 1930 GMT; 7:45 p. m. eastern standard time should be entered as 0045 GMT.

sponsible operator an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(8) All test transmissions shall be entered, together with the time of such transmissions, without regard to whether two-way communication with any other station is established.

(9) A daily entry shall be made regarding comparison of the time indicated by the required clock(s) with standard time, including a statement of any deviations observed and corrections made.

(10) Failure of apparatus to operate as required, failure of power supply, and incidents tending to unduly delay communication shall be entered.

(11) All measurements of the transmitter frequency(s) shall be entered, including such deviations from the assigned frequency(s) as may be observed, and a statement of any corrective action taken.

(12) Entries shall be made giving pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full-time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(13) Entries shall be made also in reference to operation of the antenna tower lights when such entries are required by reason of applicable provisions of Subpart G of this part.

(b) Limited coast stations using telegraphy shall maintain an accurate radio-telegraph log, during their hours of service, in the same manner and to the same extent as is required by paragraph (a) of this section for public coast stations using telegraphy; provided, however, that the entries specified by subparagraphs (6) and (10) thereof shall not be required for limited coast stations.

SUBPART I—PUBLIC COAST STATIONS—USE OF TELEPHONY

§ 7.301 *Supplemental eligibility requirements.* (a) Subject to the basic eligibility requirements set forth in § 7.23, an authorization for a public coast station may be granted to any person, or state or local government subdivision, or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act of 1934: *Provided*, The applicant is legally, financially, and technically qualified to render the proposed service, and the public interest, convenience or necessity would be served by a grant thereof.

§ 7.302 *Points of communication.* (a) Subject to the conditions and limitations imposed by the terms of the particular coast station license or by the applicable provisions of this part with respect to the use of particular radio-channels, public coast stations using telephony are authorized to communicate—

(1) With any ship station or aircraft station operating in the maritime mobile service for the transmission or reception of safety communication;

(2) With any land station for the purpose of facilitating the transmission or reception of safety communication to or from a ship or aircraft station;

(3) With public ship stations, government ship stations, aeronautical public service stations on board aircraft, and government aircraft stations, for the transmission or reception of public correspondence—

(i) When the mobile station uses telephony on a frequency assignment designated in Part 8 of this chapter for shipshore public correspondence by means of telephony;

(ii) In respect to a United States Government or foreign ship or aircraft station, when such mobile station uses telephony on a frequency assignment available in accordance with the International Radio Regulations for use by ship stations for communication by means of telephony with public coast stations.

(4) With marine fixed stations when the coast station uses for this purpose a frequency assignment below 4000 kc upon the express condition that neither harmful interference nor intolerable delay is caused to communication with mobile stations.

(b) Upon application, a public coast station using telephony may be specifically authorized by the terms of its station authorization to communicate with a designated station (government or non-government) at a remote fixed location isolated from the mainland where other communication facilities are not available: *Provided*,

(1) The station with which communication is carried on is duly authorized to communicate with the particular coast station involved; and

(2) The station with which communication is carried on shall transmit by telephony to the coast station—

(i) On a frequency assignment available for ship-shore public correspondence in accordance with the provisions of Part 8 of the Commission's rules for public ship stations using telephony; or

(ii) On any other frequency assignment designated for this purpose in any other section of the Commission's rules or, with respect to United States Government stations, on any government frequency assignment duly authorized by the Government for this purpose.

(3) Any communication carried on shall be confined exclusively to that absolutely necessary for public safety or the protection of life or property; and

(4) Neither harmful interference nor intolerable delay is caused to safety communication with ship stations.

(c) Upon application, a public coast station using telephony may be authorized to transmit meteorological and marine navigational information, of benefit to mariners, additionally to designated fixed locations, whenever the same information is transmitted by such coast station simultaneously and primarily to ship stations: *Provided*, A sufficient need for such authorization is shown to exist.

§ 7.303 *Duplication of facilities.* A public coast station shall not be authorized to provide a very high frequency maritime mobile service by the use of any

frequency assignment above 100 Mc solely to any geographic area in which such service is already provided, or for which a valid construction permit or permits has or have been issued for the establishment of a station or stations to provide such service in that area, unless the applicant shall make an affirmative showing that the public interest, convenience or necessity would be served by such a grant, and, among other things, that there is a need for such additional facilities in the area involved, that the authorized facilities in that area are not, or will not be, adequate to meet the very high frequency communication needs in the area, and that the applicant's proposed facilities involving a frequency assignment above 100 Mc will serve the very high frequency communication needs in such area.

§ 7.304 *Assignable frequencies.* (a) Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency¹ for use by public coast stations employing telephony by means of amplitude modulation subject to and in accordance with paragraph (d) of this section, other applicable sections of this subpart, and Subpart E of this part:

2,182	2,590	6,455	12,810
2,506	2,598	6,460	12,840
2,514	2,782	6,470	17,080
2,522	4,162.5	8,480	17,090
2,530	4,177.5	8,540	17,100
2,538	4,272.5	8,550	17,120
2,550	4,280	8,585	21,890
2,553	4,282.5	8,630	22,675
2,566	4,287.5	8,660	22,700
2,572	4,752.5	8,840	
2,582	6,240	11,090	

Additionally, each public coast station licensed prior to the effective date of this section for the use of telephony on the radio-channel of which 2738 kc is the authorized carrier frequency may continue to be licensed for use of this radio-channel until expiration of the current term of the particular coast station license which provides such authorization.²

(b) Each of the specific frequencies in megacycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by public coast stations employing telephony by means of frequency modulation subject to and in accordance with the provisions of other applicable sections of this subpart and Subpart E of this part:

156.8	161.9	162.0
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(c) (1) The following specific frequencies may be licensed as authorized carrier frequencies for use by those public coast stations using telephony which, prior to September 1, 1950, were authorized to use a carrier frequency within the band 30 Mc to 40 Mc:

Carrier frequency:		For assignment to public coast station(s) in the vicinity of—
35.14 Mc	-----	Philadelphia, Pa.
35.18 Mc	-----	Great Lakes region.

¹ The definition of "authorized carrier frequency" is set forth in par. (1) of § 7.3.

² See § 7.365.

(2) The stations authorized to transmit on the radio-channel of which either 35.14 Mc or 35.18 Mc is the authorized carrier frequency, may employ either frequency modulation or amplitude modulation. Each of these carrier frequencies is available for use on a shared basis with limited coast stations, ship stations, marine-utility stations, and aircraft stations operating in the maritime mobile service at any location on the same radio-channel; they are not available exclusively for public correspondence. Licensees having authority to transmit on these frequencies shall cooperate in the use thereof in order to minimize interference.

(3) Applicants for public coast station authorization, or modification or renewal of station authorization, whose applications request authority to the transmit on 35.14 or 35.18 Mc may be required, in the discretion of the Commission, to show a need for the use of such frequencies for public correspondence in lieu of the specific frequencies above 156 Mc authorized in this subpart for public correspondence exclusively.

(d) Assignment of the specific carrier frequencies designated in paragraphs (a) and (b) of this section and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions herein-after set forth in this paragraph.

(1) The frequency 2182 kc is the radiotelephone calling and distress frequency for the maritime mobile service of the United States. This frequency is authorized for use primarily by ship stations and secondarily by coast stations employing telephony, on a shared basis with stations of other countries: *Provided, however*, That its use for purposes other than distress shall not cause interference to stations of the maritime mobile service within 300 nautical miles of Charleston, South Carolina, Jacksonville, Florida, or Wilmington, California, or within 600 nautical miles of Vancouver, British Columbia, which, for a temporary period, continue in accordance with their respective station authorizations to use this frequency, or other frequencies within the band 2170 kc to 2194 kc, for working.

(2) The frequencies 2530, 2538, 2558 and 2598 kc are authorized for use upon the express condition that interference shall not be caused to the service of any station of Canada.

(3) The frequencies 2514, 2522, 2550,* 2572, and 2582 kc are authorized for use upon a shared basis with stations of Canada: *Provided*, That stations of the United States shall not cause interference to stations of Canada in the Great Lakes area which operate on the frequency 2582 kc.

(4) The frequency 2782 kc is authorized for use by coast stations serving

vessels on the Mississippi River and connecting inland waters only (except the Great Lakes); such use of this frequency is subject to coordination with stations operating in the fixed service at other locations in the United States, in order that interference shall be avoided or reduced to a minimum.

(5) The frequency 4162.5 kc is authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes); such use of this frequency is authorized upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

(6) The frequency 4272.5 kc is authorized for use upon the express condition that interference shall not be caused to the service of any station of Canada.

(7) In the Great Lakes region, the frequencies 4282.5, 6470 and 8585 kc are authorized for use upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

(8) The frequencies 6,240, 6,455 and 11,090 kc are authorized for use by coast stations serving vessels on the Mississippi River and connecting inland waters only (except the Great Lakes), upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on these frequencies during the period from two hours after local sunset until two hours before local sunrise is prohibited.

(9) Use of the frequency 8840 kc by coast stations serving vessels on the Mississippi River and connecting inland waters (except the Great Lakes) is authorized upon the express condition that interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on this frequency for this purpose during the period from two hours after local sunset until two hours before local sunrise is prohibited.

(10) Use of the frequencies 8540 kc and 8550 kc is authorized upon the express condition that interference shall not be caused to the intercontinental aeronautical services.

(e) Except as otherwise provided in paragraph (f) of this section, specific frequencies other than those listed in paragraphs (a), (b) and (c) of this section must be requested as set forth in § 7.47 and may not be assigned except in accordance with applicable international agreement and subsequent to appropriate rule making procedures.

(f) In addition to the frequency assignment designated for telephony in the

license of a public coast station, such station when communicating by telephony with a mobile or coast station of the United States Government may, on the condition that its emission-bandwidth and frequency tolerance shall be within the respective limits thereof permitted for the government station, transmit on a radio-channel assigned to the United States Government when authorized or directed to do so by the government station responsible, or by the government department or agency for which the radio-channel is authorized. The coast station assigned frequency, the class of emission, and the permissible class of traffic on such radio-channel, shall be designated by the government station or the responsible government department or agency.

§ 7.305 *Frequencies for calling and distress.* (a) The general radiotelephone calling and distress frequency for the maritime mobile service of the United States* is 2182 kc; it may be used as a carrier frequency for these purposes by public coast stations subject to the following conditions and limitations:

(1) Aside from transmissions relative to distress as provided in Subpart G of this part, this frequency may be used for urgency and safety signals and for urgency messages (other than public correspondence).

(2) This frequency is authorized for call and reply only when the use of a different carrier frequency for this function appears to be impracticable by reason of the operating or equipment limitations of a mobile station.

(3) In addition, this frequency may be used to announce transmissions, to be made soon thereafter on other frequencies by the same coast station, when the transmissions which are to follow on other frequencies are of general interest to ships, including ordinary weather and hydrographic information; or lists of ship stations with whom the coast station desires to communicate.

(4) The use of this frequency for purposes other than distress within 300 nautical miles of Charleston, South Carolina; Jacksonville, Florida; or Wilmington, California, or within 600 nautical miles of Vancouver, British Columbia, shall not cause interference to stations of the Maritime mobile service which, for a temporary period, continue in accordance with their respective station authorizations to use this frequency, or other frequencies within the band 2170 kc to 2194 kc inclusive, for working.

(b) The radiotelephone frequency for call and reply for the maritime mobile service of the United States using frequencies within the band 156.25 Mc to 162.05 Mc is 156.8 Mc. It may be used by public coast stations as prescribed in § 7.309.

* The frequency 2182 kc will be formally recognized as the international radiotelephone distress and calling frequency in Region 2 not later than the date on which Article 3 of the Inter-American Radio Agreement, Washington, 1949, becomes effective, and in Regions 1, 2 and 3 (world-wide) not later than the date on which the new International Frequency List becomes effective as provided by Article 47 of the International Radio Regulations, Atlantic City, 1947.

* In practice, stations of Canada in the Great Lakes area do not operate extensively on the frequency 2550 kc.

* In practice in the Great Lakes region, coast stations of Canada equipped to do so transmit on 2550 kc to ships of the United States only; coast stations of the United States transmit on 2582 kc to ship stations of Canada only.

RULES AND REGULATIONS

(c) In addition to the radio-channels of which the carrier frequencies are specifically authorized herein for "calling," the radio-channels authorized in this subpart for "working" may be used for call and reply: *Provided*, Interference is not caused to any communication in progress on the particular working channel.

§ 7.306 *Availability of frequencies below 30 Mc.* (a) The carrier frequencies designated herewith are assignable to class I public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio-channels: *Provided*, That the designated carrier frequencies below 5000 kc are assignable only to coast stations located in the vicinity of the specific harbors, ports, or places designated hereinafter opposite the respective coast station transmitting frequency: *Provided further*, That the coast station shall receive transmission from mobile stations on the associated receiving frequency below 5000 kc also designated herewith—

(1) Working frequencies below 5000 kc:

Coast station transmitting carrier frequency ¹ (kilocycles)	Coast station located in the vicinity of—	Coast station receiving carrier frequency (kilocycles)
2506.....	San Francisco, Calif.....	2110
2530.....	Hawaiian Islands.....	2134
2590.....	New York, N. Y.....	2198
4177.5.....	do.....	4412.5
4280.....	Hawaiian Islands.....	4402.5
4732.5.....	San Francisco, Calif.....	4422.5
	New York, N. Y.....	4457.5

¹ These frequencies are those which may be specified in applications for coast station authorizations.

(2) Working frequencies between 5000 kc and 30 Mc:

6,450	8,550	12,840	17,120
6,470	8,630	17,080	21,890
6,480	8,660	17,090	22,675
8,450	12,810	17,100	22,700

(b) The carrier frequencies designated herewith are assignable for working purposes to class II public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio-channels: *Provided*, That these frequencies are assignable only to coast stations located in the vicinity of the specific harbors, ports, or places designated hereinafter opposite the respective coast station transmitting frequency: *Provided further*, That the coast station shall receive transmission from mobile stations on the associated receiving frequency also designated herewith:

Coast station transmitting carrier frequency ¹ (kilocycles)	Coast station located in the vicinity of—	Coast station receiving carrier frequency (kilocycles)
2506.....	Boston, Mass.....	2110
	San Francisco, Calif.....	
2514.....	Eureka, Calif.....	2118
	Miami, Fla.....	
2522.....	Great Lakes area.....	2126
	Seattle, Wash.....	
	New York, N. Y.....	

¹ These frequencies are those which may be specified in applications for coast station authorizations.

Coast station transmitting carrier frequency ¹ (kilocycles)	Coast station located in the vicinity of—	Coast station receiving carrier frequency (kilocycles)
2530.....	Galveston, Tex.....	2134
	Hawaiian Islands.....	
2538.....	San Juan, P. R.....	2142
	Norfolk, Va.....	
2550.....	Quantico, Va.....	2158
	Tampa, Fla.....	
2558.....	Great Lakes area.....	2166
	Wilmington, Del.....	
	New York, N. Y.....	
2566.....	Charleston, S. C.....	2174
	Jacksonville, Fla.....	
2582.....	Los Angeles, Calif.....	2206
	Great Lakes area.....	
2590.....	Hawaiian Islands.....	2198
	New York, N. Y.....	
2598.....	New Orleans, La.....	2206
	Portland, Oreg.....	
	Astoria, Oreg.....	
4177.5.....	Boston, Mass.....	4412.5
	New York, N. Y.....	4412.5
4280.....	Hawaiian Islands.....	4402.5
	San Francisco, Calif.....	
4282.5.....	Los Angeles, Calif.....	4422.5
4287.5.....	Great Lakes area.....	4422.5
4732.5.....	Miami, Fla.....	4402.5
6470.....	New York, N. Y.....	4457.5
8585.....	Great Lakes area.....	6690
	do.....	8820

¹ For reception from ship stations of Canada only.

The carrier frequency 2582 kc is assignable to public coast stations in the Great Lakes area for transmission to ship stations of Canada only.

In addition to the foregoing frequencies below 30 Mc, the frequencies 2572 kc and 4272.5 kc are assignable as carrier frequencies for telephony to class II public coast stations at locations where their use will not cause interference to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused. Further, use of the carrier frequency 4272.5 kc shall not cause interference to the service of any station of Canada.

(c) The carrier frequencies designated herewith are assignable for working purposes to class II public coast stations using telephony and serving vessels on the Mississippi River and connecting inland waters (other than the Great Lakes); when the coast station and the mobile station transmit alternately on the same radio-channel:

2782 kc	6240 kc	8840 kc
4162.5 kc	6455 kc	11060 kc

(d) The use of the working frequencies authorized in paragraphs (a), (b) and (c) of this section is subject to the applicable conditions and limitations set forth in paragraph (d) of § 7.304. Further, and insofar as is practicable, class II coast stations shall use frequency assignments within the band 4000 kc to 30 Mc only when the use of frequency assignments outside this band will not provide effective communication.

§ 7.307 *Availability of frequencies above 100 Mc.* (a) Carrier frequencies which are assignable for use by public coast stations employing frequency modulation for telephony are designated herewith, these frequency assignments are not authorized for use in communicating with stations on board aircraft for the transmission or reception of public correspondence:

(1) For transmission and reception on the same radio-channel:

156.8 Mc for calling and safety purposes; 157.1 Mc and 157.4 Mc for working (under exceptional circumstances wherein the method of working prescribed in subparagraph (2) of this paragraph would not be practicable) at locations where interference is not caused to the use of either of these frequencies for reception from ship stations as contemplated under subparagraph (2) of this paragraph;

(2) For transmission on one radio-channel and associated reception on a different radio-channel:

For transmission:	For reception (Mc)
161.9 Mc (except within 75 statute miles of Chicago, Ill.)	157.4
162 Mc (subject to paragraph (c) of this section)	157.1

Each of these assignable frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee.

(b) Subject to the provisions of § 7.308, the carrier frequency 161.9 Mc may be authorized for use by public coast stations using telephony at any location except Chicago, Illinois, and locations within 75 statute miles thereof.

(c) Subject to the provisions of § 7.308, the carrier frequency 162 Mc may be authorized for use by public coast stations at any location where, as a result of such use, harmful interference will not be caused to United States Government stations using frequencies in the government frequency-band 162-174 Mc.

§ 7.308 *Conditions imposed upon assignments in 156-162 Mc band.* (a) The carrier frequency 161.9 Mc is assignable primarily to public coast stations employing frequency modulation for telephony which provide service to one or more of the harbors or ports designated herewith:

Portland, Maine.
Albany, N. Y.
Boston, Mass.
Providence, R. I.
New Haven, Conn.
New York, N. Y.
Philadelphia, Pa.
Baltimore, Md.
Norfolk, Va.
Newport News, Va.
Hampton Roads, Va.
Charleston, S. C.
Savannah, Ga.
Jacksonville, Fla.
Miami, Fla.
Tampa, Fla.
Mobile, Ala.
New Orleans, La.
Baton Rouge, La.
Lake Charles, La.
Port Arthur, Tex.
Beaumont, Tex.
Texas City, Tex.
Galveston, Tex.
Houston, Tex.
Corpus Christi, Tex.
Port Aransas, Tex.
San Diego, Calif.
Long Beach, Calif.
Wilmington, Calif.
Port San Luis, Calif.
Estero Bay, Calif.
San Francisco, Calif.
Coos Bay, Oreg.
Portland, Oreg.
Takoma, Wash.
Seattle, Wash.

Everett, Wash.
 Duluth, Minn.
 Superior, Wis.
 Two Harbors, Minn.
 Ashland, Wis.
 Presque Isle (Marquette County), Mich.
 Marquette, Mich.
 Port Inland, Mich.
 Escanaba, Mich.
 Green Bay, Wis.
 Milwaukee, Wis.
 Ludington, Mich.
 Calcite (Rogers City), Mich.
 Detroit, Mich.
 Toledo, Ohio
 Sandusky, Ohio
 Lorain, Ohio
 Cleveland, Ohio
 Ashtabula, Ohio
 Conneaut, Ohio
 Erie, Pa.
 Buffalo, N. Y.
 Pittsburgh, Pa.
 Louisville, Ky.
 St. Louis, Mo.
 Memphis, Tenn.

Public coast stations (except stations located at Chicago, Ill., or within 75 statute miles thereof) which provide service to any harbor or port not specifically designated in this paragraph may be assigned the carrier frequency 161.9 Mc upon the express condition that (1) such assignment shall be on a secondary basis with respect to the use of this assigned frequency by a station or stations providing service (existing or in the future) to one or more of the harbors or ports specifically designated in this paragraph, and (2) subject to the provisions of §§ 7.180 and 7.181 interference shall not be caused to the service rendered any harbor or port specifically designated in this paragraph.

(b) The carrier frequency 162 Mc is assignable to public coast stations employing frequency modulation for telephony which are located at Chicago, Ill., or within 75 statute miles thereof and provide service to one or more of the harbors or ports designated herewith:

Chicago, Ill., Indiana Harbor, Ind., Gary, Ind.

Public coast stations which provide service to any other harbor or port within 75 statute miles of Chicago, Ill., may be assigned the carrier frequency 162 Mc upon the express condition that (1) such assignment shall be on a secondary basis with respect to use of this assigned frequency by a station or stations providing service (existing or in the future) to one or more of the harbors or ports specifically designated in this paragraph and (2) interference shall not be caused to the service rendered any harbor or port specifically designated in this paragraph.

(c) In addition to the provisions of paragraph (b) of this section, the carrier frequency 162 Mc is assignable to any public coast station employing frequency modulation for telephony and located more than 75 statute miles from Chicago, Illinois: *Provided*,

(1) The carrier frequency 162 Mc normally shall be assigned only to a station licensee who already is licensed to use the carrier frequency 161.9 Mc to provide service to the particular harbor(s) or port(s) involved and who is utilizing the latter assigned frequency at maximum

capacity to provide such service under the prevailing conditions of operation; OR the applicant for authority to use 162 Mc is not in a position to use the carrier frequency 161.9 Mc because the use thereof in the geographic area involved would create interference to stations already authorized to use this carrier frequency; and

(2) The licensee of any coast station to which the carrier frequency 161.9 Mc is already assigned who applies for additional authority to use the carrier frequency 162 Mc shall fully justify a need for such additional frequency assignment; and

(3) Any other applicant for authority to use the carrier frequency 162 Mc shall show a need for such frequency assignment in lieu of the carrier frequency 161.9 Mc.

§ 7.309 *Use of assigned frequency 156.8 Mc.* (a) The radio-channel of which 156.8 Mc is the authorized carrier frequency is designated primarily for calling and safety purposes. It may be used for safety communication⁴ as an alternative to the radiotelephone calling and distress frequency 2182 kc, when appropriate, by public coast stations employing telephony for short-distance communication.

(b) In addition to the provisions of paragraph (a) of this section, this radio-channel may be used when necessary by public coast stations for—

(1) Call, reply, and the exchange of brief operating signals;

(2) Brief operating signals preparatory to working on another radio-channel;

(3) Announcing transmission to be made soon thereafter, on another radio-channel, which transmission is of general interest to ship stations, including ordinary weather and hydrographic information.

(c) The use of this radio-channel by public coast stations for transmissions of any other category is not authorized.

(d) Although use of the assigned frequency 156.8 Mc by public coast stations for call and reply is authorized, calling and replying by these stations shall, in general, be conducted on a radio-channel authorized primarily for working.

§ 7.310 *Identification of station.* (a) All radiotelephone emissions of a public coast station shall be clearly identified by voice transmission therefrom in the English language of either the official call sign assigned to that station by the Commission or the approximate geographic location of the station as approved⁵ in each case by the Commission upon request made by the station licensee or permittee: *Provided*, That in lieu of identification of the station by voice, the official call sign may be clearly transmitted by tone-modulated telegraphy in the International Morse Code either by a duly

⁴ See par. (a) of § 7.7 for the definition of safety communication.

⁵ Such voice identification as "Washington marine operator" to indicate that the station is located at or near Washington, D. C., may be approved if there will be no conflict with identification of any other station.

licensed radiotelegraph operator or by means of an automatic device approved⁶ for this purpose by the Commission. Identification as herein prescribed shall be made—

(1) Upon completion of each communication with any other station;

(2) At the beginning and upon conclusion of each transmission made for any other purpose.

§ 7.311 *Procedure in testing.* (a) Public coast stations using telephony are authorized to carry on such routine tests as may be required for the proper maintenance of the station provided each such station shall use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the testing procedure described below shall be followed:

(1) The licensed radio operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress;

(2) The official call sign and the geographic location of the testing station, followed by the word "test", shall be announced by voice on the radio-channel being used for the test, as a warning that test emissions are about to be made on that frequency;

(3) If, as a result of the announcement prescribed in subparagraph (2), any station transmits by voice the word "wait", testing shall be suspended. When, after an appropriate interval of time, such announcement is repeated and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph;

(4) The operator shall announce the word "testing" followed in the case of a voice transmission test by the count "1, 2, 3, 4 * * * etc." or by test phrases or sentences not in conflict with normal operating signals; or followed, in the case of other emission, by appropriate test signals not in conflict with normal operating signals. At the conclusion of the test, there shall be voice announcement of the official call sign of the testing station and its approximate geographic location.

(b) When testing is conducted on any frequency assignment within the band 2170 kc to 2194 kc or within the band 156.75 Mc to 156.85 Mc, the test transmission shall not continue for more than 15 seconds in any 15-minute period.

GENERAL RADIOTELEPHONE OPERATING PROCEDURE

§ 7.312 *Limitations on calling.* (a) (1) Except when transmitting a general call to all stations within range for an-

⁶ The conditions to be met by such a device in order to obtain the approval of the Commission will be determined and will be incorporated in proposed rule making.

nouncing or preceding the transmission of distress, urgency, or safety messages, a public coast station shall call the particular station(s) with which it intends to communicate.

(2) Public coast stations may use authorized^{*} classes of emission for selective-calling on each radio-channel authorized for working. The use of selective-calling on the radio-channel of which either 2181 kc or 15.8 Mc is the authorized carrier frequency is prohibited.

(3) Calling a particular station, either by voice or by other means, shall not continue for a period of more than one minute in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of three minutes. In the event of an emergency involving safety, the provisions of this subparagraph shall not apply.

(4) Each public coast station, when using selective-calling to secure the attention of a ship station with which it intends to communicate, shall transmit the type of signal and the particular signal code necessary to actuate the automatic attention device (selective ringer) known to be installed in the particular ship station and normally used for monitoring the coast station radio-channel which is used for transmitting such calls.

(5) Except in the event of an emergency involving safety, a public coast station, with respect to operation on any radio-channel which is used also by other coast stations within the same communication area, shall not answer, or attempt to answer, a ship station until the latter has transmitted the call sign or name of the particular coast station with which it desires to communicate.

(6) A public coast station shall not attempt to communicate with a ship station that has specifically called another coast station until it becomes evident that the called station does not answer, or that communication between the ship station and the called station cannot be carried on because of unsatisfactory operating conditions.

(b) *Time limitation on calling frequency.* Transmission by coast stations on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency (including calls, answers, operating signals, and conversation pertaining to safety) shall be kept to a minimum and in general any one exchange of communications shall not exceed three minutes in duration. In the event of distress or other emergency, this time limitation shall not apply.

(c) *Change to working frequency.* After establishing communication with another station by call and reply on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency, coast stations shall change to an authorized working channel for the transmission of messages which, under the provisions of this subpart, cannot be transmitted on the respective calling channel.

(d) Pending final decision of the Commission in Docket 9797 in respect to

this paragraph as proposed in that docket under date of September 13, 1950, the following provisions shall continue in effect:

(1) In general in the Great Lakes area, any one exchange of communication with a ship station by a coast station transmitting by means of telephony on the frequency 2514, 2550, 2582, 4282.5, 6470, or 8585 kc shall not exceed 15 minutes in duration.

(2) In general, with respect to coast stations when communicating with ship stations on the Mississippi River and connecting inland waters, any one exchange of communication with a ship station by a coast station transmitting by means of telephony on the frequency 2,782, 4,162, 6,455, 8,840 or 11,090 kc shall not exceed 15 minutes in duration.

(3) In exceptional circumstances, with respect to coast stations subject to the limitations of subparagraph (1) or (2) of this paragraph, an exchange of telephone communications directly between the ship station and a land-line telephone station via the coast station may be continued by direction of the coast station beyond the 15-minute period on condition that other ship-shore traffic is not unduly delayed.

(e) *Use of busy signal.* A public coast station, when communicating with a

ship station which transmits to the coast station on a radio-channel which is a different channel from that used by the coast station for transmission, may transmit a "busy" signal whenever transmission from the ship stations is being received and during such other periods of time, pending completion of any one exchange of communications with a particular ship station, as may be considered necessary by the coast station to avoid or minimize interference from other stations.

(f) *Limitation on 6470 kc and 8585 kc on Great Lakes.* Public coast stations in the Great Lakes area, authorized to use the carrier frequency 6470 kc or 8585 kc pursuant to § 7.304, paragraph (d), subparagraph (7), shall, during the periods from local sunset to local sunrise, not transmit on these frequencies whenever the necessary communication can be effected on authorized frequencies below 5000 kc or above 30 Mc.

§ 7.313 *Station documents.* Public coast stations using telephony shall be provided with and have readily available during their hours of service to the responsible operator (except as otherwise permitted by § 7.102 or § 7.155) the documents hereinafter specified—

Document	Class of public coast station which must be provided with the document listed in the column at the left
Parts 7 and 8 of this chapter	Classes I, II, and III.
A valid station license available in accordance with the provisions of § 7.102.	Classes I, II, and III.
The necessary operator license or licenses available in accordance with the provisions of § 7.155.	Classes I, II, and III.
Station log required by this part.	Classes I, II, and III.
Alphabetical List of Call Signs prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938).	Class I; and class II stations that provide communication with ocean-going vessels.
List of Coast Stations and Ship Stations prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938).	Class I; and class II stations that provide communication with ocean-going vessels.

§ 7.314 *Station records.* (a) Public coast stations using telephony shall maintain an accurate radiotelephone log during their hours of service, as herein-after specified—

(1) Each sheet of the log shall be numbered in sequence and dated and shall include the official call sign of the coast station and also the signature(s) of the licensed operator(s) performing operating duties.

(2) The entry "on duty" shall be made by the operator beginning a duty period, followed by his signature. The entry "off duty" shall be made by the operator being relieved of or terminating a duty period, followed by his signature. All log entries shall be currently completed and all entries shall, unless otherwise stated, be made by a licensed operator on duty. The use of initials or signs is not authorized in lieu of any operator's signature required by this section.

(3) The time of making an entry shall be shown opposite the entry and shall be expressed in Greenwich mean time (GMT), except that, in the Great Lakes region, the time shall be expressed in Eastern Standard Time (EST) (counted from 00:00 to 24:00 o'clock, beginning at

midnight) and for public coast stations which communicate exclusively with vessels on inland waters of the United States (other than the Great Lakes) the time shall be expressed in local standard time (EST, CST, etc., counted from 00:00 to 24:00 o'clock, beginning at midnight). The first entry in each hour shall consist of 4 figures; additional entries in the same hour may be expressed in 2 figures by omitting the hour designation. The abbreviation "GMT" (EST in the Great Lakes area) (EST, CST, etc., for stations serving inland waters exclusively) shall be marked at the head of the column in which the time is entered.

(4) With respect to public coast stations, which by reason of the provisions of Subpart G of this part, are required to maintain a watch on the radio-channel designated for radiotelephone calling and distress (assigned frequency 2182 kc), or on the radiotelephone calling channel above 100 Mc (assigned frequency 156.8 Mc), entries shall be made showing each time this watch is begun, suspended, or concluded; without any requirement, however, of making such entries during interruption of this watch as may be necessary during hours of service for calling,

* See those provisions of Subpart E of this part relative to authorized classes of emission.

answering and exchanging operating signals and safety communications on this radio-channel. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries and the operator(s) who actually maintains such watch shall appear in the log and shall be properly related to each particular entry for this purpose.

(5) All radiotelephone distress, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radio-channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries shall appear in the log and shall be properly related to each particular entry of this category.

(6) All calls transmitted from or received by a coast station shall be entered, showing the call signs or names of vessels; the time, and the assigned frequencies involved: *Provided, however,* That when the manual operations of switching and handling of telephone calls directly between a ship telephone station and landline telephone facilities are not normally performed by a licensed radio operator, the entries prescribed by this paragraph may be omitted from the station log upon the express condition that equivalent records shall be currently maintained by the station licensee. Such records shall be made available upon request of an authorized Commission representative. The equivalent records shall include the time and such other notations as are necessary to identify the frequency(s) employed and the station(s) communicated with or heard. In addition, for each communication handled, a notation shall be made of the points of origin and destination of the communication. Local standard time may be used to record the occurrence in the equivalent record in lieu of Greenwich mean time or Eastern Standard Time prescribed by subparagraph (3) of this paragraph: *Provided,* That the licensee may be required, upon request of an authorized Commission representative, to convert the standard time recorded to that specified in subparagraph (3) of this paragraph.

(7) Whenever harmful interference is experienced by or reported to the responsible operator, an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(8) All test transmissions shall be entered, together with the time of such transmissions, without regard to whether two-way communication with any other station is established.

(9) A daily entry shall be made regarding comparison of the time indi-

cated by the required clock(s) with standard time, including a statement of any deviations observed and corrections made.

(10) Failure of apparatus to operate as required, failure of power supply, and incidents tending to unduly delay communication shall be entered.

(11) All measurements of the transmitter frequency(s) shall be entered, including such deviations from the assigned frequency(s) as may be observed, and a statement of any corrective action taken.

(12) An entry shall be made giving pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed, and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full-time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(13) Entries shall be made also in reference to operation of the antenna tower lights when such entries are required by reason of applicable provisions of Subpart G of this part.

SUBPART J—LIMITED COAST STATIONS AND MARINE-UTILITY STATIONS—USE OF TELEPHONY

§ 7.351 *Supplemental eligibility requirements.* (a) Subject to the statutory eligibility requirements set forth in § 7.23, an authorization for a limited coast station or a marine-utility station may be granted to any person, or state or local government subdivision, or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act provided the applicant is—

(1) Regularly engaged in the operation of one or more commercial transport vessels,¹ or one or more vessels of a municipal or state government, or is

(2) An organization of which all persons who are members or shareholders are regularly engaged in the operation of one or more commercial transport vessels,¹ or is

(3) Legally responsible for the operation, control, maintenance, or development of a harbor, port, or waterway used by commercial transport vessels,¹ or is

(4) Capable of providing a maritime mobile service not open to public correspondence, to commercial transport vessels¹ or to vessels of a municipal or state government exclusively, for use solely by one or more persons or government agencies regularly engaged in activities essential in connection with the operation or business of commercial transport¹ vessels, or vessels of a municipal or state government, or is

(5) A non-profit corporation or association, organized for the purpose of furnishing a maritime mobile service solely to persons who are engaged in the operation of one or more commercial transport vessels.¹

¹ See par. (p) of § 7.2 which defines "commercial transport vessel".

(b) Each application for station authorization for a limited coast station or a marine-utility station shall be accompanied by a written statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section.

§ 7.352 *Cooperative use of facilities.*

(a) A person, state or local government subdivision, or any agency of the Federal Government subject to the provisions of section 301 of the Communications Act, engaged in the operation of one or more commercial transport vessels¹ or government vessels may receive maritime mobile service from a limited coast station or a marine-utility station used on shore even though not the licensee of the limited coast station or the marine-utility station. The rendition of such service, however, will not be required of the licensee of the limited coast station or the marine-utility station without his consent, except as may be necessary in the enforcement of paragraph (c) of this section. The necessary cooperative arrangements for this purpose will be governed by the following provisions:

(1) Such persons, state or local government subdivisions or Federal agencies may, and in the case of foreign persons shall themselves, be the licensees of the radio stations installed on board their respective vessels: *Provided,* That prior to receiving an authorization to render service to the involved ship station(s), the licensee of the coast station or the marine-utility station from whom the service is to be received files a request for authority to render such maritime mobile service to the person or government agency who is to receive the service. The request must be notarized but may be in letter form, submitted in duplicate. Upon approval of the request, the Commission will designate on the coast station or marine-utility station authorization the persons or government agencies to whom service may be rendered.

(2) The licensee of a limited coast station or marine-utility station used on shore may install licensed ship radio stations on board United States commercial transport vessels of other persons or on board vessels of appropriate government agencies: *Provided,* That in each case such persons or government agencies shall enter into a written agreement verifying that the ship station licensee has the sole right of control of the involved ship stations, that the vessel operators shall use the ship stations subject to the orders and instructions of the licensee of the coast station or marine-utility station on shore, and that the said licensee shall have, at all times, such access to and control of the ship station equipment as will enable him to carry out his responsibilities under the ship station license. A copy of the agreement with vessel owners required hereby shall be kept with the coast station or marine-utility station records and held available for inspection by Commission representatives.

(3) All provisions of this section applicable to ship stations are applicable also to marine-utility stations while the latter are used on board vessels, and to stations on board commercial transport vessels of any foreign country.

(b) All cooperative arrangements entered into under the provisions of this section shall be governed by the following requirements as to costs and charges:

(1) The arrangement must be established on a non-profit, cost-sharing basis by written contract between the parties and a copy of the contract must be kept with the records of the coast station or the marine-utility station and held available for inspection by Commission representatives.

(2) Contributions to capital and operating expenses may be accepted only on a cost-sharing, non-profit basis, said costs to be prorated on an equitable basis among all persons or government agencies who are parties to the cooperative arrangement. Records which reflect the cost of the service and its non-profit, cost-sharing nature shall be maintained by the licensee of the coast station or the marine-utility station and held available for inspection by Commission representatives. A financial statement reflecting the non-profit, cost-sharing nature of the arrangement shall be submitted by the licensee of the coast station or the marine-utility station annually to the Commission's Washington office no later than three months after the close of the licensee's fiscal year.

(c) If, in a particular geographic area, the use and operation of limited coast stations and (or) marine-utility stations by a plurality of station licensees using the same frequency assignment(s) causes intolerable interference, even though all provisions of this subpart relative to the reduction of interference have been fully complied with, the Commission may, in accordance with the provisions of the Communications Act, require the involved station licensees to join in a single cooperative organization for rendition of the necessary maritime mobile service within the affected area by a single station licensee.

§ 7.354 Points of communication.

(a) Subject to the conditions and limitations imposed by the terms of the particular coast station license or by the applicable provisions of this part with respect to the use of particular radio-channels, limited coast stations and marine-utility stations are authorized to communicate—

(1) With any mobile station in the maritime mobile service for the transmission or reception of safety communication;

(2) With any land station for the purpose of facilitating the transmission or reception of safety communication;

(3) With the following categories of ship stations for the transmission or reception of communication essential to the business or operational needs of ships:

(i) Specified limited ship stations, and specified marine-utility stations on board ship, licensed by the Commission and using telephony on a frequency assignment designated by the Commission for communication with limited coast stations or with marine-utility stations on shore;

(ii) Specified public ship stations licensed by the Commission and using

telephony on a frequency assignment designated by the Commission for communication with limited coast stations or marine-utility stations on shore;

(iii) Specified ship stations of any foreign country using telephony on the radio-channel of which 156.6 Mc is the authorized carrier frequency.

(b) With respect to the terms of subparagraph (3) of paragraph (a) of this section, the specific ship stations or marine-utility stations on board ship with which a limited coast station or a marine-utility station on shore is authorized to communicate shall be designated appropriately in the license of such coast station or marine-utility station.

(c) Upon application and satisfactory showing of a need therefor, two or more limited coast stations of the same station licensee may be specifically authorized by the terms of their respective station licenses to communicate on a secondary basis between themselves, *Provided*,

(1) Any communication carried on shall be confined exclusively to that absolutely necessary for the business or operational needs of the ship(s) with which at least one of the involved coast stations is authorized to communicate; and

(2) Other point-to-point communication facilities between the particular coast station locations are inadequate, inoperative, economically impracticable, or unavailable; and

(3) Any two coast stations of this category which communicate with each other are separated by not more than 100 miles; and

(4) Neither harmful interference nor intolerable delay is caused to communication with or between mobile stations; and

(5) Such communication shall occur only on a frequency assignment above 30 Mc except on the radio-channel of which 156.6 Mc or 156.8 Mc is the authorized carrier frequency.

§ 7.355 Nature of service. (a) Limited coast stations and marine-utility stations using telephony shall—

(1) Not be open to public correspondence;

(2) Not be used to render a communications common carrier service;

(3) Not be used to transmit program material of any kind for use in connection with radio broadcasting;

(4) Not be used for the transmission of press material or news items which are not required to serve the business or operational needs of ships;

(5) Be used exclusively to serve the operational and business needs of ships, including the transmission of safety communication.*

(b) In areas where adequate and appropriate weather and hydrographic information is transmitted by means of telephony through the medium of one or more public coast stations or United States Government stations, limited coast stations and marine-utility stations on shore shall not duplicate that

* See par. (a) of § 7.7 which defines "safety communication".

service. In all other respects, limited coast stations and marine-utility stations on shore may transmit by means of telephony such weather and hydrographic information as is required for the business and operational needs of the ships with which they normally communicate.

(c) Each marine-utility station on shore shall be used and operated exclusively within the limits of the geographic area specified in the particular station license. Except as specifically provided otherwise in this part, each marine-utility station on shore shall be used and operated as a limited coast station and in accordance with all rules and regulations applicable to such coast stations.

§ 7.356 Assignable frequencies above 30 Mc. (a) Carrier frequencies above 100 Mc which may be authorized for use by limited coast stations and marine-utility stations on shore, employing frequency modulation for telephony, and for transmission and reception on the same radio-channel, are designated herewith:

(1) (i) For calling and safety purposes:

156.8 Mc

(ii) For working: (for communication pertaining only to the business and operational needs of ships)

156.4 Mc

156.5 Mc

156.6 Mc

156.7 Mc

156.9 Mc

157.0 Mc (this carrier frequency is not assignable to any coast station or marine-utility station on shore which is located within 100 miles of the Great Lakes, or of the Mississippi River or any tributary thereof, or within 100 miles of any portion of the Gulf of Mexico intracoastal waterway)

(2) Each of these assignable frequencies is available on a shared basis only, and shall not be construed as available for the exclusive use of any one station licensee in any area.

(b) The carrier frequency of each radio-channel which is assignable to a limited coast station or a marine-utility station as the initial working channel for communication with a specified class or classes of vessels is designated herewith; an additional radio-channel or channels for each function herein designated may be assigned to a particular station in accordance with paragraph (a) of this section provided that a sufficient need therefor is shown to exist:

(1) For use in all areas except the Great Lakes area—

(i) For communication with commercial transport vessels and government vessels which are navigated primarily within harbor or port areas; one of the following carrier frequencies:

156.4 Mc

156.5 Mc

156.6 Mc

157.0 Mc subject to the limitations specified in sub-subparagraph (a) (1) (ii) of this section.

(ii) For communication with vessels of any class in connection with harbor or port operations, including docking, light-erage, pilotage, dredging, towing, ship

repair, port development, maintenance of navigable channels, etc.:

156.6 Mc

(iii) For communication with commercial transport vessels and government vessels which are navigated primarily between separate harbors or ports or on voyages which primarily are beyond the limits of a harbor or port:

156.5 Mc

(iv) For communication with vessels of any class when such communication is essential to the effective operation of any duly authorized maritime radiolocation service which is available to all ships within the radiolocation service area:

156.7 Mc

In areas where the use of this carrier frequency is licensed for communication essential to radiolocation, the use of the radio-channel for such communication shall have absolute priority over any other use except for distress signals and distress traffic.

In areas where the use of this carrier frequency for communication essential to radiolocation is not required, or is not required continuously, it may be assigned and used for communication with vessels of the class or classes specified by the Commission as required under the conditions and circumstances in each case, subject to the express condition that interference shall not be caused to its primary use in connection with the maritime radiolocation service.

(v) For communication with pilot vessels, normally stationed at the entrance to a harbor or port, primarily for obtaining regularly from such vessels information concerning the arrival and departure of ships moving to and from that harbor or port, when such information is required by and supplied to persons or government agencies on shore in connection with the business or operation of ships:

156.9 Mc

In areas where the use of this carrier frequency for such communication with pilot vessels is not required, for the foregoing purpose, it may be assigned and used for communication with vessels of the class or classes specified by the Commission as required under the conditions and circumstances in each case.

(2) For use in the Great Lakes area—

(i) For communication with commercial transport vessels, and government vessels which are used regularly to transport passengers and/or land vehicles (including motor vehicles and railroad rolling stock), between established marine terminals:

156.4 Mc

(ii) For communication with commercial transport vessels which are used in the fishing industry:

156.5 Mc

(iii) For communication with commercial transport vessels and government vessels which are used in marine construction activities:

156.5 Mc

(iv) For communication with commercial transport vessels and govern-

ment vessels which are classified as tugboats:

156.9 Mc

(c) Carrier frequencies within the band 30 Mc to 50 Mc which may be authorized for use by limited coast stations and marine-utility stations on shore employing either frequency modulation or amplitude modulation for telephony, for transmission and reception on the same radio-channel of communication pertaining only to the business and operational needs of ships, are designated herewith:

Carrier frequency:	Normal geographic area of use
35.06 Mc----	Gulf coast area, Puerto Rico, and Virgin Islands.
35.10 Mc----	Pacific coast area and islands of the Pacific Ocean.
35.14 Mc----	Atlantic coast area.
35.18 Mc----	Mid-continent area, including Great Lakes.

Each of these assignable frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee.

(d) Any coast station not open to public correspondence and licensed prior to March 1, 1949, for the use of telephony on the radio-channel of which 43.02 Mc is the authorized carrier frequency, may continue to be licensed as a limited coast station for use of this radio-channel with class of emission, authorized frequency-band, type of modulation, and maximum power as licensed prior to March 1, 1949, upon the condition that the carrier frequency shall be maintained within 0.01 percent of the authorized carrier frequency 43.02 Mc and that interference shall not be caused to any station in any other service.

§ 7.357 *Conditions imposed upon assignments in 35-36 Mc band.* (a) Each application which requests assignment of a carrier frequency designated in paragraph (c) of § 7.356 shall designate normally the carrier frequency specified in that paragraph for use in the geographic area in which the coast station or the marine-utility station on shore is located. Normally, only that carrier frequency is assignable for use in that area. When any other of these carrier frequencies is requested for assignment in a specified area, the application therefor shall include a satisfactory showing that the carrier frequency designated in paragraph (c) of § 7.356 for use in the particular area will not meet the need of the proposed or existing service. When, in the opinion of the applicant, the location of the involved station is not clearly within one of the geographical areas designated in paragraph (c) of § 7.506, the applicant may obtain the necessary information in this respect by corresponding directly with the Commission at Washington, D. C.

§ 7.358 *Conditions imposed upon assignments in 156-162 Mc band.* Normally, a limited coast station or a marine-utility station on shore shall be authorized to use, for working, one radio-channel only, within the frequency-band 156.35 Mc to 157.05 Mc in accordance with the terms of paragraph (b) of

§ 7.356. Application for authority to use more than one radio-channel for working shall include a satisfactory showing of need for such additional facility.

§ 7.359 *Use of assigned frequency 156.8 Mc.* (a) The radio-channel of which 156.8 Mc is the authorized carrier frequency is designated primarily for calling and safety purposes. It may be used when appropriate by limited coast stations and marine-utility stations employing telephony for short-distance communication as an alternative to the radiotelephone distress frequency 2182 kc, for distress calls and distress traffic, and for safety communication.^{*}

(b) In addition to the provisions of paragraph (a) of this section, this radio-channel may be used by limited coast stations and marine-utility stations for—

(1) Call, reply, and the exchange of brief operating signals; and

(2) Operating signals preparatory to message traffic on another radio-channel within the frequency-band 156.35 Mc to 157.05 Mc.

(c) The use of this radio-channel by limited coast stations or marine-utility stations for transmission of any other category is not authorized.

§ 7.360 *Call and reply on working channels.* Although use of the assigned frequency 156.8 Mc by limited coast stations and marine-utility stations on shore for call and reply is authorized, calling and replying by these stations shall, in general, be conducted on a radio-channel authorized primarily for working.

§ 7.361 *Use of assigned frequency 156.6 Mc.* The radio-channel of which 156.6 Mc is the authorized carrier frequency is designated primarily for communication concerning port operations. It may be used by limited coast stations and marine-utility stations, with discretion, to serve other business and operational needs of ships on condition that such use shall not interfere with nor delay the exchange of port operational message traffic.

§ 7.362 *Limitations on use of marine-utility stations.* (a) Marine-utility stations on shore shall be used and operated solely within the local geographic area specified in the particular station license.

(b) The antenna structures of a marine-utility station on shore shall meet all applicable requirements of Part 17 of the Commission's rules.

(c) Marine-utility stations on shore shall not be used or operated in the immediate vicinity of any radio transmitting or receiving installation of a coast station, a base station in any land mobile service, or a U. S. Government station, which transmits or receives on any radio-channel(s) above 30 Mc unless the fact has been established, by actual tests in cooperation with the involved station(s), that interference is not caused by such operation to the service of the coast, base, or government station(s) concerned.

^{*} See par. (a) of § 7.7 for the definition of "safety communication".

§ 7.363 Use of working frequencies for calling. In addition to any radio-channel of which the carrier frequency is specifically authorized herein for "calling", the radio-channels authorized in this subpart for "working" may be used for call and reply also, provided interference is not caused to any communication in progress on the particular working channel.

§ 7.364 Time limitation on communication. All communication engaged in by limited coast stations and marine-utility stations shall be limited to the minimum practicable transmission time, and each station licensee shall employ standardized operating practices and procedures to this effect.

§ 7.365 Frequencies below 3000 kc for business and operational purposes. (a) In addition to availability of the carrier frequency 2738 kc primarily for inter-ship communication as prescribed in § 8.358 of Part 8 of this chapter, this frequency may, in response to proper application therefor, be specifically authorized in limited coast station licenses for use (except in the Great Lakes area) to a limited extent in communicating by telephony (amplitude modulation) with such ship stations as are designated in the respective coast station license: *Provided,*

(1) The applicant makes a showing satisfactory to the Commission that exceptional and limited use of this carrier frequency for ship-shore communication, in lieu of a different comparable frequency, or a frequency above 30 Mc, normally authorized for ship-shore communication (public correspondence or otherwise), is necessary to serve an important business or operational need of one or more commercial transport vessels or government vessels (other than public correspondence) and that the desired communication will be effective even though ship-to-ship communication for safety and other purposes has priority in the use of this frequency; and

(2) Harmful interference will not be caused to the service of ship-to-ship communication on the radio-channel of which 2738 kc is the authorized carrier frequency; and

(3) The plate input power to be used will be the minimum amount necessary to provide effective ship-shore communication on this radio-channel and will not at any time exceed the average plate-input power generally used by ship stations for inter-ship communication on this radio-channel; and

(4) The ship-shore communication on this radio-channel shall be limited exclusively to that which is necessary to serve an important business or operational need of commercial transport vessels or government vessels (excluding public correspondence);

(5) The use of this carrier frequency in accordance with any station authorization granted pursuant to this section shall be on a shared basis with any other coast station using this same frequency in accordance with a similar station authorization.

(b) The carrier frequency 2214 kc may, in response to proper application therefor, be specifically authorized in the

license of a limited coast station for use exclusively at locations at which interference is not caused to the service of any United States Government station, in communicating by telephony (amplitude modulation) with such ship station(s) on board commercial transport vessel(s) or government vessels (when they use this same carrier frequency for transmission) as are designated in the particular coast station license: *Provided,*

(1) The applicant makes a showing satisfactory to the Commission that use of this carrier frequency, in lieu of a frequency above 30 Mc normally authorized for use by ship stations, is necessary to serve an important business or operational need of commercial transport vessel(s) or government vessels (other than public correspondence); and

(2) The communication carried on by the limited coast station on the radio-channel of which 2214 kc is the authorized carrier frequency shall be limited exclusively to that which is necessary to serve an important business or operational need of commercial transport vessel(s) or government vessels (excluding public correspondence); and

(3) The use of this carrier frequency in accordance with any station authorization granted pursuant to this section shall be on a shared basis with any other coast station using this same frequency in accordance with a similar station authorization.

§ 7.366 Availability of 2182 kc for limited coast stations—(a) Frequencies for calling. The general radiotelephone calling frequency for the maritime mobile service of the United States is 2182 kc; it may be used as a carrier frequency for this purpose by limited coast stations operating in the maritime mobile service subject to the following conditions and limitations—

(1) Aside from distress calls and distress traffic, this frequency may be used for urgency and safety messages (other than ordinary business or operational messages).

(2) This frequency is authorized for call and reply only when the use of a different carrier frequency for this function appears to be impracticable by reason of the operating or equipment limitations of a mobile station.

(3) When using this frequency for other than distress calls and distress traffic, and urgency and safety signals and messages, the mean antenna power

*The frequency 2182 kc will be formally recognized as the international radiotelephone distress and calling frequency in Region 2 not later than the date on which Article 3 of the Inter-American Radio Agreement, Washington, 1949, becomes effective, and in Regions 1, 2, and 3 (worldwide) not later than the date on which the new International Frequency List becomes effective as provided by Article 47 of the International Radio Regulations, Atlantic City, 1947.

*As prescribed by paragraph 2, Article 3, of the Inter-American Radio Agreement, Washington, 1949. Article 1, paragraph 63 of the International Radio Regulations, Atlantic City, 1947, states as follows: "Mean power of a radio transmitter: The power supplied to the antenna during normal operation, averaged over a time sufficiently long com-

pared to the period corresponding to the lowest frequency encountered in actual modulation". (In general, a time of one-tenth second, during which the mean power is a maximum, will be selected.)

of the unmodulated carrier wave shall not exceed 100 watts.

(4) The use of this frequency for purposes other than distress within 300 nautical miles of Charleston, South Carolina; Jacksonville, Florida; or Wilmington, California, or within 600 nautical miles of Vancouver, British Columbia, shall not cause interference to stations of the maritime mobile service which, for a temporary period, continue in accordance with their respective station authorizations to use this frequency, or other frequencies within the band 2170 kc to 2194 kc inclusive, for working.

§ 7.367 Procedure in testing. (a) Limited coast stations and marine-utility stations using telephony are authorized to carry on such routine tests as may be required for the proper maintenance of the station provided each such station shall use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the testing procedure described below shall be followed:

(1) The licensed radio operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress;

(2) The official call sign and the geographic location of the testing station, followed by the word "test", shall be announced by voice on the radio-channel being used for the test, as a warning that test emissions are about to be made on that frequency;

(3) If, as a result of the announcement prescribed in subparagraph (2), any station transmits by voice the word "wait", testing shall be suspended. When, after an appropriate interval of time, such announcement is repeated and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph;

(4) The operator shall announce the word "testing" followed in the case of a voice transmission test by the count "1, 2, 3, 4, * * * etc." or by test phrases or sentences not in conflict with normal operating signals; or followed, in the case of other emission, by appropriate test signals not in conflict with normal operating signals. At the conclusion of the test, there shall be voice announcement of the official call sign of the testing station and its approximate geographic location.

(b) When testing is conducted on any frequency assignment within the band 2170 kc to 2194 kc or within the band 156.75 to 156.85 Mc, the test transmission shall not continue for more than 15 seconds in any 15 minute period.

§ 7.368 General radiotelephone operating procedure—(a) Limitations on calling.

(1) Except when transmitting a general call to several stations within range for announcing or preceding the transmission of distress, urgency, or safety messages, a limited coast station or a marine-utility station shall call the particular station(s) with which it intends to communicate.

(2) Limited coast stations may use authorized^a classes of emission for selective-calling on each radio-channel authorized for working. The use of selective-calling on the radio-channel of which either 2182 kc or 156.8 Mc is the authorized carrier frequency is prohibited.

(3) Calling a particular station, either by voice or by other means, shall not continue for a period of more than thirty seconds in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of three minutes. In event of an emergency involving safety, the provisions of this subparagraph shall not apply.

(4) Each limited coast station, when using selective-calling to secure the attention of a ship station with which it intends to communicate, shall transmit the type of signal and the particular signal code necessary to actuate the automatic attention device (selective ringer) known to be installed in the particular ship station and normally used for monitoring the coast station radio-channel which is used for transmitting such calls.

(5) Except in the event of an emergency involving safety, a limited coast station or a marine-utility station with respect to operation on any radio-channel which is used also by other stations within the same communication area, shall not answer, or attempt to answer, a station on board ship until the latter has transmitted the call sign or name of the particular shore station with which it desires to communicate.

(6) A limited coast station or a marine-utility station shall not attempt to communicate with a ship station that has specifically called another station until it becomes evident that the called station does not answer, or that communication between the ship station and the called station cannot be carried on because of unsatisfactory operating conditions.

(b) *Time limitation on calling frequency.* Transmission on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency (including calls, answers, operating signals, and conversation pertaining to safety) shall be kept to a minimum and in general any one exchange of communications shall not exceed three minutes in duration. In the event of distress or other emergency, this time limitation shall not apply.

(c) *Change to working frequency.* After establishing communication with another station by call and reply on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency,

land stations shall change to an authorized working channel for the transmission of messages which, under the provisions of this subpart, cannot be transmitted on the respective calling channel.

§ 7.369 Station documents. (a) Limited coast stations using telephony shall be provided with and have readily available to the responsible operator (except as otherwise permitted by §§ 7.102 and 7.155) during their hours of service, the following documents:

(1) A valid station license available in accordance with § 7.102;

(2) The necessary operator license or licenses available in accordance with § 7.155;

(3) The station log required by this part for stations of this category.

(4) Parts 7 and 8 of this chapter.

§ 7.370 Station records. (a) Limited coast stations using telephony shall maintain an accurate radiotelephone log during their hours of service, as herein-after specified—

(1) Each sheet of the log shall be numbered in sequence and dated and shall include the official call sign of the coast station and also the signature(s) of the licensed operator(s) performing operating duties.

(2) The entry "on duty" shall be made by the operator beginning a duty period, followed by his signature. The entry "off duty" shall be made by the operator being relieved of or terminating a duty period, followed by his signature. All log entries shall be currently completed and all entries shall, unless otherwise stated, be made by a licensed operator on duty. The use of initials or signs is not authorized in lieu of any operator's signature required by this section.

(3) The time of making an entry shall be shown opposite the entry and shall be expressed in local standard time (EST, CST, etc.) counted from 00:00 to 24:00 o'clock, beginning at midnight. The first entry in each hour shall consist of 4 figures; additional entries in the same hour may be expressed in 2 figures by omitting the hour designation. The abbreviation "EST", "CST", etc., shall be marked at the head of the column in which the time is entered.

(4) With respect to limited coast stations, which, by reason of the provisions of Subpart G of this part, are required to maintain a watch on the radio-channel above 100 Mc designated for calling (assigned frequency 156.8 Mc) entries shall be made showing each time this watch is begun, suspended, or concluded; without any requirement, however, of making such entries during interruption of this watch as may be necessary during hours of service for calling, answering and exchanging operating signals and safety communications on this radio-channel. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries and the operator(s) who actually maintains such watch shall appear in the log and shall be properly related to each particular entry for this purpose.

(5) All radiotelephone distress, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radio-channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined. These entries shall be made by the licensed operator(s) on duty who is (are) designated and authorized by the station licensee to do so; the name and signature of the operator(s) making these entries shall appear in the log and shall be properly related to each particular entry of this category.

(6) Whenever harmful interference is experienced by or reported to the responsible operator, an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(7) All test transmissions shall be entered, together with the time of such transmissions, without regard to whether two-way communication with any other station is established.

(8) All measurements of the transmitter frequency(s) shall be entered, including such deviations from the assigned frequency(s) as may be observed, and a statement of any corrective action taken.

(9) An entry shall be made giving pertinent details of all installation, service, or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full-time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(10) Entries shall be made also in reference to operation of the antenna tower lights when such entries are required by reason of applicable provisions of Subpart G of this part.

(b) Marine-utility stations on shore shall maintain an accurate radiotelephone log during their hours of service as follows:

(1) Each sheet of the log shall be numbered in sequence and shall include notation of the geographic area(s) in which the stations is operated; the date and local standard time of operation of the station; official call sign of the marine-utility station, the name and signature of the licensed operator (or other person in accordance with Subpart F of this chapter) who is responsible for operation of the marine-utility station. (The use of initials or signs in lieu of signatures is not authorized.)

(2) An entry shall be made giving pertinent details of all installation, service or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly em-

^a See those provisions of Subpart E of this part relative to authorized classes of emission.

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played on a full time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

SUBPART K—STATIONS ON LAND IN THE MARITIME RADIOLOCATION SERVICE¹

§ 7.401 *Limitation on station authorizations.* Pending further development of the use and operation of stations on land in the maritime radiolocation service, and until the requirements of this service have been more completely determined, only developmental station authorizations will be granted, subject to the applicable provisions of Subpart M of this part (including supplemental eligibility requirements) and in accordance with the following sections of this subpart.

§ 7.402 *Assignable frequencies.* (a) The following frequency-bands are authorized for use by shore radionavigation stations (including shore-radar stations) in the maritime radionavigation service; the maximum power shall be designated in each instrument of authorization: *Provided*, That for stations other than shore radar stations, the classes of emission, the frequency tolerance, and the bandwidth occupied by the emission may be designated in each station authorization:

3000 Mc to 3246 Mc
5460 Mc to 5650 Mc
9320 Mc to 9500 Mc

(b) The following frequency-bands are authorized for use by shore radiolocation stations in the maritime radiolocation service; the class of emission; the frequency tolerance; the bandwidth occupied by the emission; and the maximum power may be designated in each station authorization:

(1) 2450 to 2500 Mc for purposes other than radionavigation or safety, on the condition that harmful interference shall not be caused to the fixed and mobile services, and on the condition that no protection shall be given from interference caused by emissions from industrial, scientific, or medical equipment.

(2) 3000 Mc to 3246 Mc
5460 Mc to 5650 Mc
9320 Mc to 9500 Mc

The use of frequencies within these bands for radiolocation, other than radionavigation, shall not cause harmful interference to the radionavigation service.

§ 7.403 *Special conditions imposed.* (a) An authorization granted for the construction and/or operation of a shore radionavigation station shall be subject to the express condition that in so far as the station may be operated to provide information to be used for the purpose of aiding in the movement of any ship, the station shall be treated as a private aid to navigation for which permission must be obtained by the station permittee or licensee from the Commandant, United States Coast Guard, as provided in section 759, Title 33, U. S. Code.

(b) Upon the grant of an authorization for the construction and/or operation of a shore radionavigation station, the Commission will forward to the Commandant, U. S. Coast Guard, Washing-

ton, D. C., notification thereof together with a copy of the authorization.

SUBPART L—FIXED STATIONS ASSOCIATED WITH THE MARITIME MOBILE SERVICE

MARINE FIXED STATIONS¹

§ 7.451 *Supplemental eligibility requirements.* (a) Subject to the basic eligibility requirements set forth in § 7.23, authorizations for marine fixed stations may be granted to any person who is engaged in—

(1) Prospecting for, producing, collecting, refining, or transporting petroleum or petroleum products in the immediate vicinity of the marine fixed station requested; or

(2) An activity in the immediate vicinity of the marine fixed station requested which is necessary to a construction project of a public character.

(b) Additionally, and subject to the basic eligibility requirements set forth in § 7.23, authorizations for marine fixed stations may be granted to any non-profit corporation or association, organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged, in the immediate vicinity of the marine fixed station, in one or more of the activities designated in paragraph (a) of this section. Such a corporation or association shall render service only on a non-profit cost-sharing basis, said costs to be prorated on an equitable basis among all persons to whom service is rendered. Records which reflect the cost-sharing non-profit basis shall be maintained and held available for inspection by Commission representatives.

§ 7.452 *Points of communication.* Marine fixed stations are authorized to communicate by means of telephony solely with class II public coast stations in the United States when these stations render a communication service of telephony in direct connection with the general public service land-line telephone system, provided the marine fixed station, in each instance, is located not more than 300 statute miles from each coast station of this class with which it communicates.

§ 7.453 *Showing of need.* Applicants for authority to establish and operate marine fixed stations must satisfy the Commission, through information contained in the application or as otherwise determined by the Commission, that a need for the desired communication exists primarily in respect to the safety of life or property, and that the use of any communication facility to satisfy such need, other than a marine fixed station, is impossible or impracticable for the purpose involved.

§ 7.454 *Assignable frequencies.* (a) Carrier frequencies within the band 2100 kc to 2210 kc, which are authorized by Part 8 of this chapter for use by public ship stations employing telephony for the transmission of public correspondence to public coast stations (normally providing direct connection with public service land-line telephone systems), are assignable to marine fixed stations for

the same purpose; upon the condition that neither harmful interference nor intolerable delay is caused to communication between coast stations and mobile stations.

(b) In addition to the assignable frequencies designated in paragraph (a) of this section, the carrier frequency 2182 kc is assignable to marine fixed stations solely for use in transmitting, by means of telephony with an antenna power not exceeding 100 watts (when no modulation is present), distress calls and distress traffic, and urgency and safety signals and messages. The use of this radio-channel by marine fixed stations for ordinary calls and replies is prohibited.

§ 7.455 *Technical requirements.* The authorized frequency tolerance, authorized class of emission, authorized emission-bandwidth, and authorized transmitter-power for marine fixed stations are set forth in Subpart E of this part.

§ 7.456 *Scope of communication.* Marine fixed stations shall be used primarily for safety communication, as defined in paragraph (a) of § 7.7; *Provided, however*, That other than safety communication may be carried on, by these stations, with discretion and to the extent required in behalf of the specific activities set forth in § 7.451; *Provided*, That, in this respect priority at all times shall be given to use of the assigned radio channel(s) for ship to shore transmission.

§ 7.457 *Station documents.* (a) Each marine fixed station shall be provided with the following documents:

- (1) A valid station license.
- (2) The necessary operator license or licenses.
- (3) The station log required by § 7.458.
- (4) Parts 7 and 8 of this chapter.

§ 7.458 *Station records.* (a) Marine fixed stations shall maintain an accurate radiotelephone log during their hours of service as follows: all entries shall be made by the licensed operator on duty at the station, except as otherwise provided in subparagraph (2) of this paragraph:

(1) Each sheet of the log shall be numbered in sequence and shall include the date(s) and time(s) of operation of the station; official call sign of the station, the name and signature of the licensed operator who is responsible for operation of the station. (The use of initials or signs in lieu of signatures is not authorized.)

(2) An entry shall be made giving pertinent details of all installation, service or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(3) All radiotelephone distress, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of

¹ The classes of stations established in this service are defined in § 7.4.

¹ This class of station is defined by par. (d) of § 7.5.

life or property shall be entered, together with the time of such observation or occurrence, identification of the radio-channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined.

(4) Whenever harmful interference is experienced by or reported to the responsible operator, an entry shall be made by such operator to that effect, stating the source of the interference, if known.

(5) All test transmissions shall be entered, including the date, time, and purpose thereof.

(6) The date and time of making each entry shall be shown opposite the entry and the time shall be expressed in local standard time as follows. The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation, E. S. T., C. S. T., etc., shall be marked at the head of the column in which time is entered.

§ 7.459 *Station identification.* For the purpose of station identification, the provisions of paragraph (a) of § 8.364 of this chapter shall apply to marine fixed stations.

§ 7.460 *Procedure in testing.* For the purpose of conducting operational or maintenance tests, the provisions of paragraph (a) of § 8.365 of this chapter shall apply to marine fixed stations.

§ 7.461 *Operating procedure.* In the use and operation of marine fixed stations, these stations shall be governed by the provisions of paragraph (a) and (h) of § 8.366 of this chapter.

MARINE RECEIVER-TEST STATIONS²

§ 7.471 *Eligibility requirements.* An authorization for a marine receiver-test station may be granted to the licensee of a public coast station using telephony and having a frequency assignment for this purpose within the frequency-band 2000 kc to 3500 kc or 156.35 Mc to 162.05 Mc.

§ 7.472 *Scope of service.* A marine receiver-test station shall be used solely for brief transmissions intended for interception by the regularly used radio-telephone receiving apparatus of an associated public coast station of the same station licensee; the purpose of such transmissions shall be limited to necessary determinations of the technical performance of such receiving apparatus. No other signals or communications shall be transmitted by marine receiver-test stations.

§ 7.473 *Assignable frequencies.* The carrier frequency or frequencies assignable to a marine receiver-test station is (are) the specific carrier frequency or frequencies within the band 2000 kc to 3500 kc or 156.35 Mc to 162.05 Mc used by public ship stations in transmitting by means of telephony to the particular public coast station with which the marine receiver-test station is associated; these frequencies with respect to ship stations of the United States are designated in §§ 8.354 and 8.356 of this chapter.

§ 7.474 *Technical requirements.* The authorized frequency tolerance, authorized class of emission, authorized emission-bandwidth, and authorized transmitter-power for marine receiver-test stations are set forth in Subpart E of this part.

§ 7.475 *Station identification.* The official call sign and the general geographic location of the marine receiver-test station shall be announced at the conclusion of each completed test transmission.

§ 7.476 *Operating limitations.* The station licensee shall exercise such control over the transmissions of a marine receiver-test station as is necessary to avoid interference to calls from ship stations and to the exchange of public correspondence between ship and shore. The maximum amount of transmission time permitted on any one radio-channel authorized for use by a particular marine receiver-test station in a region of heavy radio traffic on the involved radio-channel shall not exceed 24 minutes in each 24-hour period.

§ 7.477 *Station records.* (a) An accurate log shall be maintained with respect to the operation of each marine receiver-test station. The station licensee shall be responsible for compliance with this requirement. This log may be maintained and located at an authorized control point associated with the station.

(b) All log entries shall be made by the licensed operator responsible for operation of the station or by a person authorized and directed by the station licensee to make such entries.

(c) The log shall be maintained and entries made therein as follows:

(1) Each sheet of the log shall be numbered in sequence and shall include the date(s) and time(s) of operation of the station; official call sign of the station, the name and signature of the licensed operator who is responsible for operation of the station. (The use of initials or signs in lieu of signatures is not authorized.)

(2) An entry shall be made giving pertinent details of all installation, service or maintenance work performed which may affect the proper operation of the station. The entry shall be made, signed and dated by the responsible licensed operator who supervised or performed the work, and unless he is regularly employed on a full time basis at the station and has his operator license properly posted, shall also include his mail address and the class, serial number, and expiration date of his license.

(3) All radiotelephone distress, urgency or safety signals and communications made or intercepted; the complete text, if possible, of such communications; and any information which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation or occurrence, identification of the radio-channel(s) on which such signals or messages were transmitted or received, and the position of any ship, or other mobile unit in need of assistance, if this can be determined.

(4) Whenever interference to other stations is reported to the station licensee or to the responsible operator, an entry shall be made by the latter to that effect, stating the source of the interference report and the station(s) to which interference has been caused, if known.

(5) All test transmissions shall be entered, including the date, time, duration of the transmission, the class of emission and particular radio-channel used.

(6) The date and time of making each entry shall be shown opposite the entry and the time shall be expressed in local standard time as follows. The first entry in each hour shall consist of four figures (from 00:00 to 24:00 beginning at midnight local standard time); additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation EST, CST, etc., shall be marked at the head of the column in which time is entered.

MARINE CONTROL STATIONS, MARINE REPEATER STATIONS AND MARINE RELAY STATIONS³

§ 7.481 *Eligibility requirements.* Authorizations for marine control stations, marine repeater stations, and marine relay stations will be issued only to licensees of coast stations who have made a satisfactory showing of need therefor in relation to the particular coast station or stations of which they are the station licensee.

§ 7.482 *Showing of need.* Applicants for such authorization must show that (a) a need exists for a point-to-point radio circuit for control, repeater, or marine relay purposes, (b) that telecommunication facilities other than a marine control, marine repeater, or marine relay station are not available, or if available would not provide effective results, and (c) that the service to be rendered through use of the marine control station, marine repeater, or marine relay station is necessary for, or will prove beneficial to, the service rendered by the associated coast station(s).

§ 7.483 *Points of communication.* (a) Marine control stations are authorized to transmit exclusively to the particular coast station whose operation or emission is being controlled by such transmissions.

(b) Marine repeater stations are authorized to transmit exclusively to other authorized marine repeater stations, or to designated radio receiving locations to which the respective transmitted communication is addressed, or to an authorized message center at a designated fixed location.

(c) Marine relay stations are authorized to transmit to and receive from other authorized marine relay stations as specified in the station authorization.

§ 7.484 *Frequencies assignable.* In any area in the continental United States, a maximum of four carrier frequencies assignable in accordance with Part 2 of this chapter within either or both of the bands 72.02 Mc to 74.58 Mc and 75.42 Mc to 75.98 Mc are available in the aggregate for use by marine control stations, marine repeater stations and marine

² This class of station is defined by paragraph (h) of § 7.5.

³ These classes of stations are defined in paragraphs (e), (f), and (g) of § 7.5.

relay stations on condition that harmful interference shall not be caused to:

(1) Reception by the general public of emissions from television stations on television channels 4 and 5;

(2) The service of existing and previously authorized marine control stations, marine repeater stations, or marine relay stations;

(3) The service of existing and previously authorized stations operating in any aviation service.

Pursuant to Part 2 of this chapter, assignable frequencies for this purpose are spaced 40 kc apart, beginning with the frequencies 72.02 Mc and 75.45 Mc and ending with the frequencies 74.58 Mc and 75.98 Mc, respectively. Should the Commission find that public interest, convenience, or necessity would be served thereby, licensees of marine control stations, marine repeater stations, and marine relay stations authorized to operate on one or more frequencies within these bands shall be required to share, on a coordinated non-interference basis, the use of their respective frequency assignments with other licensees using the same frequencies.

§ 7.485 Technical requirements. The authorized frequency tolerance, authorized class of emission, authorized emission-bandwidth, and authorized transmitter-power for marine fixed stations are set forth in Subpart E of this part.

§ 7.486 Limitation on station authorizations. Pending additional development of the use and operation of marine control, marine repeater, and marine relay stations, and until the necessary scope of service required to be rendered by these classes of stations has been more completely determined, such stations will be authorized exclusively on a developmental basis in accordance with the provisions of Subpart M of this part. In addition to the provisions of this subpart, the relevant conditions and limitations set forth in Subpart M shall apply to these classes of stations.

SUBPART M—DEVELOPMENTAL STATIONS

§ 7.501 Supplemental eligibility. An authorization for developmental operation of a station in any of the services under this part will be issued only to those persons who are eligible to operate such stations on a regular basis.

§ 7.502 Showing and statement required. (a) Except as provided in paragraph (c) of this section, each application for authorization for a developmental station shall be accompanied by a showing that:

(1) The applicant has an organized plan of development leading to a specific objective;

(2) A point has been reached in the program where actual transmission by radio is essential to the further progress thereof;

(3) The program has reasonable promise of substantial contribution to the expansion or extension of the use of radio for a maritime purpose, or is in a field of maritime operation not already investigated;

(4) The program will be conducted by qualified personnel;

(5) The applicant is legally and financially qualified, and possesses adequate

technical facilities for conduct of the program as proposed;

(6) The public interest, convenience, or necessity will be served by the proposed operation.

(b) Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

(c) The provisions of paragraph (a) of this section do not apply when an application is made for a developmental station solely for the reason that the frequency requested is restricted to such developmental use.

§ 7.503 Assignable frequencies. (a) Stations engaged in developmental operation may be authorized to use a frequency or frequencies, available for the service and class of station which they propose to operate. The number of frequencies assignable to a particular station shall depend upon the specific requirements of the developmental program and the number of frequencies available for such use in the particular area where the station is to be operated.

(b) In addition to the specific frequencies and frequency-bands designated in this part as available for a particular service and class of station, each of the following frequencies and frequency-bands may be licensed as an assigned frequency or as authorized frequency-band, respectively, for use by developmental stations subject to the applicable provisions of this part as follows:

Available for coast stations:

3,500-3,700 Mc

6,425-6,575 Mc

11,700-12,200 Mc

Available for coast stations and fixed stations:

26,000-30,000 Mc and

2,450-2,500 Mc

16,000-18,000 Mc

on condition that no protection shall be given from interference caused by emissions from industrial, scientific or medical equipment.

Available for operational fixed stations:

952-980 Mc

1,850-1,990 Mc

2,110-2,200 Mc

2,500-2,700 Mc

6,575-6,875 Mc

12,200-12,700 Mc

The class of emission, the frequency tolerance, the emission-bandwidth, and the maximum transmitter-power for use on the foregoing frequencies which are above 2,400 Mc shall be designated in each station authorization.

§ 7.504 Use of developmental stations.

(a) Developmental stations shall be constructed and used in such manner as to conform with all applicable technical and operating requirements¹ contained

¹ Such requirements are those applicable to the corresponding established class of station including provisions relating to operator requirements, station logs, station documents, assignment of call sign.

in this part, unless deviation therefrom is specifically provided in the station authorization.

(b) Communication with any station of a country other than the United States is prohibited unless specifically authorized by the terms of the station authorization.

(c) The operation of a developmental station is subject to the condition that harmful interference is not caused to the operation of stations licensed in an established service under any part of the Commission's rules.

§ 7.505 Developmental program. (a) The developmental program as described by the applicant in the application for authorization shall be substantially followed unless the Commission shall otherwise direct.

(b) Where some phases of the developmental program are not covered by the general rules of the Commission and the rules in this part, the Commission may specify supplemental or additional requirements or conditions in each case as deemed necessary in the public interest, convenience or necessity.

(c) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

§ 7.506 Report of operation required. A report on the results of the developmental program shall be filed with and made a part of each application for renewal of authorization, or in cases where no renewal of authorization is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labeled; they will be used solely for the Commission's information and will not be publicly disclosed without permission of the applicant. The report shall include comprehensive and detailed information on the following:

(a) The final objective of the developmental operation.

(b) Pertinent results of operation to date.

(c) Analysis of the results obtained.

(d) Copies of any published reports.

(e) Need for continuation of the program if such need exists.

(f) Number of hours of operation on each authorized frequency during the term of the license to the date of the report.

§ 7.507 Identification of station. (a) The radiotelegraph and radiotelephone emissions of a developmental station shall be clearly identified in the manner provided for the corresponding established class of station.

(b) The facsimile emissions of a developmental station shall be identified either by telegraphy or by telephony as provided in paragraph (a) of this section.

(c) All other classes of emission of a developmental station shall be identified as prescribed in the respective station authorization.

APPENDIX I—LOCATION OF ENGINEERING FIELD OFFICES AND MONITORING STATIONS—Continued

Radio district	Address of the engineer in charge	States	Territory within district—
7	P. O. Box 150, 312 Federal Bldg., Miami 1, Fla. Suboffice: 405-410 P. O. Bldg., Tampa, Fla.	Florida	All except District 8.
8	400 Audubon Bldg., New Orleans 16, La. Suboffice: 324 U. S. Courthouse and Customhouse, Mobile 10 Ala.	Alabama Arkansas Florida Louisiana Mississippi Texas	Baldwin and Mobile. All counties. Escambia. All counties. Do. City of Texarkana only.
9	324 U. S. Appraisers Bldg., 7200 Winesap St., Houston 11, Tex. Suboffice: P. O. Box 1557 (329 Post Office Bldg.), Beaumont, Tex. Ship office: 406 Post Office Bldg., Galveston, Tex.	do	Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, De Witt, Duval, Dimmit, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kendall, Kerr, Kinney, Kleberg, La Salle, Madison, Lee, Liberty, Live Oak, Matagorda, McMullen, Maverick, McMullen, Medina, Monaghan, Nacogoches, Newton, Nueces, Orange, Pecos, Real, Refugio, San Antonio, San Diego, Starr, Terrell, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, Zavala, and Taylor.
10	P. O. Box 3238, 500 U. S. Terminal Annex, Dallas 2, Tex.	New Mexico Oklahoma	All counties.
11	539 U. S. Post Office and Courthouse Bldg., Temple and Spring Sts., Los Angeles 12, Calif. Suboffice: No. 18 U. S. Courthouse and Customs, Union and F Sts., San Diego 2, Calif. Ship office: Room 326 U. S. Post Office and Courthouse Bldg., San Pedro, Calif.	Arizona California Nevada	All except District 9 and the city of Tempe, Arizona. All counties. Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Luis Obispo, Santa Barbara, and Ventura. Clark.
12	323-A Customhouse, San Francisco 26, Calif.	California	All except District 11.
13	307 Fitzgerald Bldg., 917 South-west Oak St., Portland 5, Oreg.	Nevada Idaho Oregon Washington	All except Clark. All except District 14. All counties. Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat.
14	801 Federal Office Bldg., Seattle 4, Wash.	Idaho	Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone.
15	521 New Customhouse, Denver 2, Colo.	Montana Washington Colorado Utah Wyoming Nebraska	All counties. All except District 13. All counties. Do. Do. Banner, Box, Butte, Cheyenne, Davies, Decol, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, and Sioux.
16	305 Uptown Post Office and Federal Courthouse Bldg., 8th and Washington Sts., St. Paul 4, Minn.	South Dakota Minnesota Michigan	Butte, Deuel, Fall River, Lawrence, Meade, Park, Spink, and Shannon, and Washington. All counties. Acker, Baraga, Chippewa, Delta, Dickinson, Goodhue, Houghton, Iron, Keweenaw, Lake, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.
17	3200 Fidelity Bldg., 911 Walnut St., Kansas City 6, Mo.	South Dakota North Dakota Wisconsin Iowa Kansas Missouri Nebraska Illinois Indiana Iowa	All counties except District 15. All counties. All counties except District 13. All except District 13. All counties. Do. All counties except District 15. Do. Do.
18	1300 U. S. Courthouse Bldg., Chicago 4, Ill.	Alabama Georgia North Carolina South Carolina Tennessee	Attala, Buchanan, Cedar, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Jackson, Johnson, Jones, Lee, Lincoln, Louisa, Muscatine, Scott, Washington, and Winnebago.

be abbreviated by reference to other communications or answers to other notices. The answer shall contain a full explanation of the incident involved and shall set forth the action taken to prevent a continuation or recurrence thereof. If the notice relates to lack of attention to, or improper operation of the station, or to log or watch discrepancies, the answer shall give the name and license number of the licensed operator on duty.

§ 7.552 Reports of infringements of the International Radio Regulations.
In the event that infringement of the International Radio Regulations by a foreign station is detected, report thereof may be made by the submission to the Commission of a form similar to that set forth in Appendix 2 of the International Radio Regulations.

SUBPART N—VIOLATIONS

§ 7.551 Answers to notice of violation.

(a) Any person receiving official notice of a violation of the terms of the Communications Act, any legislative act, Executive order, treaty to which the United States is a party, terms of a station or operator license, or the rules and regulations of the Federal Communications Commission, shall, within three days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such three-day period, acknowledgement and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not

APPENDIX I—LOCATION OF ENGINEERING FIELD OFFICES AND MONITORING STATIONS

Radio district	Address of the engineer in charge	States	Territory within district—
1	1600 Customhouse, Boston 9, Mass.	Connecticut Maine Massachusetts New Hampshire Rhode Island Vermont New Jersey	All counties. Do. Do. Do. Do. Do. Do.
2	745 Federal Bldg., 641 Washington St., New York 14, N. Y.	New York	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Somerset, Sussex, and Warren.
3	1004 New U. S. Customhouse, Philadelphia 6, Pa.	Delaware New Jersey Pennsylvania	Albany, Broome, Columbia, Delaware, Dutchess, Putnam, Queens, Rensselaer, Richmond, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Westchester. New Castle.
4	505 Old Town Bank Bldg., Gay St. and Fallsview, Baltimore 2, Md.	Delaware District of Columbia Maryland Virginia	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem. Adams, Backs, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York. Kent and Sussex. All.
5	Room 402, New Post Office Bldg., Norfolk 10, Va. Ship office: Room 106, U. S. Post Office Bldg., Newport News, Va.	West Virginia North Carolina Virginia	All counties. Arlington, Clarke, Fairfax, Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren. Barbour, Berkeley, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, and Upshur.
6	411 Federal Annex, Atlanta 3, Ga. Suboffice: P. O. Box 17, 214-218 Post Office Bldg., Savannah, Ga.	Alabama Georgia North Carolina	All except District 8. All counties. Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Milledgeville, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, and Yancy.
		South Carolina Tennessee	All counties. Do.

APPENDIX I—LOCATION OF ENGINEERING FIELD OFFICES AND MONITORING STATIONS—Continued

Radio district	Address of the engineer in charge	Territory within district—	
		States	Counties
18	1300 U. S. Courthouse Bldg., Chicago 4, Ill.	Wisconsin.....	Brown, Columbia, Calumet, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Iowa, Jefferson, Kewaunee, Kenosha, Lafayette, Manitowoc, Marinette, Milwaukee, Ozaukee, Oconto, Outagamie, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, and Winnebago.
19	1029 New Federal Bldg., Detroit 26, Michigan.	Kentucky..... do.....	All counties except District 19. Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Kenton, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitley, Wolfe and Woodford.
20	328 Federal Bldg., Buffalo 3, N. Y.	Ohio..... Michigan..... West Virginia..... New York..... Pennsylvania.....	All counties. All counties except District 16. All counties except District 4. All except District 2. All except District 3.
21	609 Stangenwald Bldg., Honolulu 1, T. H.	Territory of Hawaii and outlying Pacific possessions, except Alaska and adjacent islands.	
22	P. O. Box 2967, 322-323 Federal Bldg., San Juan 13, P. R.	Puerto Rico.	
23	P. O. Box 1421, 7-8 Shattuck Bldg., Juneau, Alaska. Suboffice: P. O. Box 644, Room 53, U. S. P. O. and Courthouse Bldg., Anchorage, Alaska.	Virgin Islands. Alaska.	

The office of the regional managers of the Field Engineering and Monitoring Division, Bureau of Engineering, are located at the following addresses:

North Atlantic Region: 506 Federal Building, 641 Washington Street, New York 14, N. Y.

Great Lakes Region: 1029 New Federal Building, Detroit 26, Mich.

South Atlantic Region: 411 Federal Annex, Atlanta 3, Ga.

Gulf States Region: 332 U. S. Appraisers Building, 7300 Wingate Street, Houston 11, Tex.

North Pacific Region: 801 Federal Office Building, Seattle 4, Wash.

Alaska Region: Room 52 U. S. Post Office and Courthouse, P. O. Box 644, Anchorage, Alaska.

South Pacific Region: 323-A Customhouse, San Francisco 26, Calif.

Hawaiian Region: P. O. Box 1142, Lanikai, Oahu, T. H.

Central States Region: 876 U. S. Courthouse, Chicago 4, Ill.

The primary monitoring stations of the Bureau of Engineering are located at the following addresses:

Federal Communications Commission, Allegan Monitoring Station, P. O. Box 89, Allegan, Mich.

Federal Communications Commission, Central Frequency Monitoring Station, P. O. Box 788, Grand Island, Nebr.

Federal Communications Commission, Kingsville Monitoring Station, P. O. Box 632, Kingsville, Tex.

Federal Communications Commission, Dover Road, P. O. Box 308, Millis, Mass.

Federal Communications Commission, P. O. Box 1142, Lanikai, Oahu, T. H. (Fort Hase Military Reservation).

Federal Communications Commission, 2700 West Edinger, P. O. Box 744, Santa Ana, Calif.

Federal Communications Commission, P. O. Box 31, Laurel, Md.

Federal Communications Commission, P. O. Box 989, Livermore, Calif.

Federal Communications Commission, 2310 Northeast 148 Avenue, P. O. Box 5165, Portland 16, Oreg.

Federal Communications Commission, P. O. Box 4, Powder Springs, Ga.

Federal Communications Commission, P. O. Box 719, Anchorage, Alaska.

Secondary monitoring stations of the Bureau of Engineering are located at the following addresses:

Federal Communications Commission, P. O. Box 300, Bay St. Louis, Miss. (near New Orleans).

Federal Communications Commission, P. O. Box 187, Fort Lauderdale, Fla.

Federal Communications Commission, P. O. Box 99, Lexington, Ky.

Federal Communications Commission, P. O. Box 1448, Muskogee, Okla.

Federal Communications Commission, Searsport, Maine; main address: P. O. Box 44, Belfast, Maine.

Federal Communications Commission, P. O. Box 191, Spokane, Wash.

Federal Communications Commission, P. O. Box 499, Twin Falls, Idaho.

APPENDIX II—INTERNATIONAL RADIO REGULATIONS IN FORCE BETWEEN THE GOVERNMENT OF THE UNITED STATES AND OTHER CONTRACTING GOVERNMENTS

(a) Between the Government of the United States and those Governments which are parties to the International Telecommunication Convention (Atlantic City, 1947):

The Radio Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947), in part, as follows: Articles 1, 3, 4, 6, 7, 8, 9, 13, 14, 15, 16, 18, 19, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 35, 36, 38, 39, 40, 41, 42, 43, 45, 46, and 47;

Article 5 (with the exception of the table of allocation of frequencies covering the bands below 27,500 kilocycles);

Article 29 (with the exception of paragraph 621);

Article 37 (with the exception of paragraph 869);

Article 44 (with the exception of paragraphs 1025 and 1032); and

Appendices 2, 9, 11, 13, 14, 15, 16, A, B, and C.

(b) Between the Government of the United States and those Governments which are

parties to the International Telecommunication Convention (Atlantic City, 1947) and the General Radio Regulations (Cairo Revision, 1938) annexed to the International Telecommunications Convention (Madrid, 1932):

The General Radio Regulations (Cairo Revision, 1938) annexed to the International Telecommunication Convention (Madrid, 1932), in part, as follows:

The table of frequency allocations below 27,500 kilocycles as reflected in Article 7; and
The procedure for notification and registration of frequencies as provided in Article 16.

(c) Between the Government of the United States and a Government which is not a party to the International Telecommunication Convention (Atlantic City, 1947), but which is a party to a prior Convention, the regulations of the most recent of the following Conventions to which the contracting Government is a party:

The General Radio Regulations (Cairo Revision, 1938) annexed to the International Telecommunication Convention (Madrid, 1932);

The General Radio Regulations annexed to the International Telecommunication Convention (Madrid, 1932);

The General Regulations annexed to the International Radiotelegraph Convention (Washington, 1927); and

The Service Regulations affixed to the International Radiotelegraph Convention (London, 1912).

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Appendix II—International Radio Regulations in Force Between the Government of the United States and Other Contracting Governments.

AUTHORITY: §§ 8.1 to 8.602 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 145. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303

§ 8.1 *Basis and purpose.* (a) The basis for the rules following in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party.

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which parts of the radio spectrum may be made available for radiocommunication and radiolocation for maritime operations and for public correspondence which require radio transmitting facilities on board ship and, for certain maritime communications, including public correspondence, on board aircraft; and to prescribe, in so far as is necessary to carry out the provisions of statute and applicable treaties and agreements relative to radio operators and radio installation on board ships for safety purposes, the details as to location, manner of installation, use and availability, of the required equipment, apparatus, spare parts, and such supplementary equipment as may be necessary for the proper functioning of the required shipboard radio installations for the proper conduct of radio communication in time of emergency or distress. For the purposes of this part, the following definitions shall be applicable.¹

SUBPART A—DEFINITION OF TERMS

§ 8.2 *General.*—(a) *Commission.* The term "Commission" means the Federal Communications Commission.²

(b) *Statutes and international agreements.* (1) *Communications Act.* The Communications Act of 1934, as amended.

(2) *Ship Act.* The act approved June 24, 1910, as amended, requiring apparatus and operators for radio communication on certain Great Lakes steamers.

(3) *Safety Convention.* The International Convention for the Safety of Life at Sea, in force, including the Regulations annexed thereto.³

¹For other definitions, refer to Part 2, Rules Governing Frequency Allocations and Treaty Matters; General Rules and Regulations; Part 7, Rules Governing Stations On Land In The Maritime Services; and Part 14, Rules Governing Stations in Alaska in the Maritime Services.

²The address of the Commission's principal office is "Federal Communications Commission, Washington 25, D. C."

³The International Convention for the Safety of Life at Sea, London, 1929, became effective for the United States on November 7, 1936. It is expected that this Convention will be superseded by the International Convention for the Safety of Life at Sea, London, 1948; pertinent information may be obtained by inquiry to the Commission.

(4) *International Radio Regulations.* The Radio Regulations in force annexed to the International Telecommunications Convention, Atlantic City, 1947, as between the Government of the United States and other Contracting Governments; and such preceding international radio regulations as remain in force between the Government of the United States and other Contracting Governments.

(5) *Region 1, Region 2, and Region 3.* Those geographic areas defined as "Region 1", "Region 2", and "Region 3" in Article 5, paragraph 3, of the Radio Regulations of Atlantic City, 1947.

(c) *Telecommunications.* Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems.

(d) *Radiocommunication.* Any telecommunication by means of Hertzian waves.

(e) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(f) *Station.* A separate radio transmitter, or a combination of radio transmitter(s) and radio receiver(s), including the accessory equipment required for carrying on a definite radiocommunication service.

(g) *Station authorization.* Any valid station license or special temporary authority for use of a station, issued by the Commission.

(h) *Person.* An individual, partnership, association, joint stock company, trust, or corporation.

(i) *Station licensee.* The holder of a valid station license.

(j) *Operator licensee.* The holder of a valid license or valid permit for the actual operation of a licensed station.

(k) *Hours of service.* The period of time during each calendar day when a station is used, in conformity with the terms of the station authorization, for the rendition of its normal service.

(l) *Day.* (1) Where the word "day" is applied to the use of a specific frequency assignment or to a specific authorized transmitter-power, such use of the word "day" shall be construed to mean transmission on such frequency assignment or with such authorized transmitter-power during that period of time included between one hour after local sunrise and one hour before local sunset.

(2) Where the word "day" occurs in reference to the provisions of section 353, subsection (c), of the Communications Act or the radio provisions of the Safety Convention, such use of the word "day" shall be construed to mean the calendar day, from midnight to midnight, local ship's time.

(m) *Radio district.* A prescribed geographic area within the United States which, for the purpose of official inspection of radio stations in behalf of the Commission, is under the jurisdiction of a Commission engineer in charge whose official address and the specific area of inspection associated therewith are designated by Appendix I of this part.

(n) *Ship or vessel.* "Ship" or "vessel" includes every description of watercraft

or other artificial contrivance, except aircraft, used or capable of being used as a means of transportation on water, whether or not it is actually afloat.

(o) *Categories of ships.* (1) Where use of the term "passenger ship" or "cargo ship" occurs in reference to the provisions of Part II of Title III of the Communications Act, such use of the term shall be construed as follows: A ship is a passenger ship if it carries or is licensed or certificated to carry more than twelve passengers. A cargo ship is any ship not a passenger ship.

(2) Where use of the term "passenger ship" or "cargo ship" occurs in reference to the radio provisions of the Safety Convention, such use of the term shall be construed as follows: A ship is a passenger ship if it carries more than twelve passengers. A cargo ship is any ship not a passenger ship.

(3) A "commercial transport vessel" is any ship or vessel which is used primarily in commerce (i) for transporting persons or goods to or from any harbor(s) or port(s) or between places within a harbor or port area, or (ii) in connection with the construction, change in construction, servicing, maintenance, repair, loading, unloading, movement, piloting, or salvaging of any other ship or vessel.

(p) *Safety Conversion Certificates.* (1) *Exemption Certificate.* A certificate issued to a ship which is granted exemption from applicable provisions of the Safety Convention.

(2) *Safety Certificate.* A certificate issued upon application, after inspection and survey by proper authorities, to a passenger ship which complies in an efficient manner with the requirements of the Safety Convention.

(3) *Safety Radiotelegraphy Certificate.* A certificate issued upon application, after inspection by proper authorities, to a cargo ship which complies in an efficient manner with the requirements of the Safety Convention.

(q) *Installed.* As used in this part with respect to the requirements of radio apparatus authorized under the provisions of this part for use on board ship or in stations subject to this part, the term "installed" means installed on board the particular ship or in the particular station to which the pertinent rule or regulation, involving the use of this term, is applied.

§ 8.3 *Maritime mobile service.*—(a) *Mobile service.* A service of radio-communication between mobile and land stations, or between mobile stations.

(b) *Maritime mobile service.* A mobile service between ship stations and coast stations, or between ship stations.⁴

(c) *Mobile station.* A station in a mobile service intended to be used while in motion, or during halts at unspecified points.

(d) *Ship station.* A mobile station in the maritime mobile service located on board a vessel which is not permanently moored.

(e) *Public ship station.* (1) A ship station open to public correspondence.

⁴Aircraft stations, when transmitting on frequencies allocated to the maritime mobile service, may communicate in this service with ship stations and coast stations.

(2) Public ship stations authorized to employ telegraphy for public correspondence are further classified according to their hours of service for telegraphy as designated herewith:

First Class. These stations carry on a continuous service of public correspondence.

Second Class. These stations carry on a designated service of public correspondence of prescribed but limited duration; at least during the period designated for ship stations of the second category by the International Radio Regulations or, in the case of voyages of short duration, as otherwise designated by the Commission in accordance with those Regulations.

Third Class. These stations carry on a service of public correspondence, the duration of which is prescribed but is less than that of stations of the Second Class, or is not prescribed but is determined by the master of vessel pursuant to his authority under section 358 of the Communications Act.

(f) *Limited ship station.* A ship station not open to public correspondence.

(g) *Marine-utility ship station.* A ship station, readily portable for use as a limited ship station on mobile vessels within a designated local area.

(h) *Marine-utility coast station.* A coast station, readily portable for use as a limited coast station at unspecified points ashore within a designated local area.

(i) *Marine-utility station.* A coast or ship station in the maritime mobile service having a frequency assignment which is available for both marine-utility coast stations and marine-utility ship stations, and licensed under one station authorization to operate as either a marine-utility coast station or a marine-utility ship station according to its location, pursuant to the provisions of paragraphs (g) and (h) of this section, at the time it is being operated.

§ 8.4 Maritime radiolocation service—

(a) *Radiolocation.* Determination of a position or of a direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves.

(b) *Radiolocation service.* A service involving the use of radio location.

(c) *Maritime radiolocation service.* A radiolocation service intended for the benefit of ships.

(d) *Radiolocation station.* A station in the radiolocation service.

(e) *Radiolocation mobile station.* A station in the radiolocation service intended to be used while in motion or during halts at unspecified points.

(f) *Ship-radiolocation station.* A radiolocation mobile station located on board a ship and used solely for maritime radiolocation service.

(g) *Radionavigation.* Radiolocation intended solely for the determination of position or direction or for obstruction warning, in navigation.

(h) *Radionavigation service.* A radiolocation service involving the use of radionavigation.

(i) *Maritime radionavigation service.* A radionavigation service intended for the benefit of ships.

(j) *Radionavigation station.* A station in the radionavigation service.

(k) *Radionavigation mobile station.* A station in the radionavigation service intended to be used while in motion or during halts at unspecified points.

(l) *Ship-radiolocation station.* A radiolocation mobile station located on board a ship and used solely for maritime radiolocation service.

(m) *Radar.* A radiolocation system where transmission and reception are carried out at the same location, and which utilizes the reflecting or re-transmitting properties of objects in order to determine their positions.

(n) *Primary radar.* Radar using reflection only.

(o) *Secondary radar.* Radar using automatic retransmission on the same or on a different radio frequency.

(p) *Ship-radar station.* A ship-radiolocation station^a utilizing radar for the purpose of detecting above-wave objects, with a determination of their direction and distance from the ship.

(q) *Radio direction-finding.* Radiolocation in which only the direction of a station is determined by means of its emissions.

(r) *Radio direction-finding station.* A radiolocation station intended to determine only the direction of other stations by means of transmissions from the latter.

(s) *Direction-finder (radio compass).* Apparatus capable of receiving clearly perceptible radio signals and capable of taking bearings on these signals from which the true bearing and direction of the point of origin of such signals with respect to the point of reception may be determined.

(t) *Direction-finder receiver.* A radio receiver which is a component of a radio direction finder.

(u) *Marine radiobeacon station.* A radionavigation land station, the emissions of which are intended to enable a ship station to determine its bearing or its direction in relation to the marine radio beacon station.

(v) *Ship radiolocation-test station.* A ship-radiolocation station used solely for testing maritime radionavigation apparatus incident to its manufacture, installation, repair, servicing, and/or maintenance.

§ 8.5 Developmental Maritime stations on board ship—(a) *Developmental mobile station.* A mobile station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government mobile service which has been specifically allocated the authorized frequency (or frequencies) of the developmental mobile station.

(b) *Developmental radiolocation station.* A radiolocation station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government radiolocation service (including the non-government radionavigation service) which has been specifically allocated the authorized frequency (or frequencies) of the developmental radiolocation station.

^a Where reference is made, in official documents issued by the Commission prior to the effective date of this section, to ship-radar stations in the "ship service", the term "ship service" shall be construed, with respect to such stations, to mean "maritime radionavigation service."

(c) *Classification.* The classes of developmental stations on board ships in the maritime mobile service and in the maritime radiolocation service are the same as the classes defined in preceding sections of this part; however, for purposes of identification, the particular class of station is followed by the parenthetical indicator "(developmental)"; for example, "limited ship station (developmental)".

§ 8.6 Operational—(a) *Safety communication.* The transmission or reception of distress, alarm, urgent, or safety signals, or any communication preceded by one of these signals, or any form of radiocommunication which, if delayed in transmission or reception, may adversely affect the safety of life or property; and occasional test transmission or reception as necessary for determining whether or not the radio equipment is in good working condition for purposes of safety.

(b) *Superfluous radiocommunication.* Any transmission that is not necessary in properly carrying on the service for which the station is licensed.

(c) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service, or obstructs or repeatedly interrupts a radio service operating in accordance with law.

(d) *Distress signal.* (1) The distress signal is the radiotelegraph or radiotelephone signal which indicates that a ship, aircraft, or other vehicle is threatened by grave and imminent danger and requests immediate assistance.

(2) In radiotelegraphy, the international distress signal consists of the group "three dots, three dashes, three dots", transmitted as a single signal in which the dashes are emphasized so as to be distinguished clearly from the dots.

(3) In radiotelephony, the international distress signal consists of the oral enunciation of the word "MAYDAY", pronounced as the French expression "m'aider".

(e) *Alarm signal.* The international radiotelegraph signal, consisting of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second, having for its sole purpose the actuation of automatic devices giving warning by means of an alarm that a distress call or message is about to follow, or that an urgent cyclone warning is about to be sent by a coast station authorized to do so.

(f) *Urgency signal.* (1) The urgency signal is the radiotelegraph or radiotelephone signal which indicates that the calling station has a very urgent message to transmit concerning the safety of a ship, aircraft, or other vehicle, or of some person on board or within sight.

(2) In radiotelegraphy, the international urgency signal consists of three repetitions of the group "XXX", sent before the call, with the letters of each

^a In case of distress, transmission of this particular signal is intended to insure recognition of a radiotelephone distress call by stations of any nationality.

group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international urgency signal consists of three repetitions of the word "PAN" pronounced as the French word "panne" and sent before the call.

(g) *Safety signal.* (1) The safety signal is the radiotelegraph or radiotelephone signal which indicates that the station sending this signal is ready to transmit a message concerning the safety of navigation or giving important meteorological warnings.

(2) In radiotelegraphy, the international safety signal consists of three repetitions of the group "TTT", sent before the call, with the letters of each group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international safety signal consists of three repetitions of the French word "securite", sent before the call.

(h) *Distress traffic.* All messages relative to the immediate assistance required by the ship, aircraft, or other vehicle in distress.

(i) *500 kilocycles silent period.* The three-minute period twice an hour beginning at x h 14 and x h 45, Greenwich mean time (GMT), during which the International Radio Regulations require that all transmissions (except for certain emissions designated in those Regulations) must cease on all frequencies within a designated frequency band centered on 500 kc.

(j) *Watch.* The act of listening for or to sound produced by a telephone receiver when the electric wave energy at audio frequency supplied to the telephone receiver—

(1) Results from simultaneous interception and detection of Hertzian waves of a designated radio frequency or frequencies, and

(2) Is substantially equivalent in frequency to the audio frequency or frequencies generated by detection of the intercepted Hertzian waves.

(k) *Calling.* Transmission from a station solely to secure the attention of another station, or other stations, for a particular purpose.

(l) *Working.* Radiocommunication carried on, for a purpose other than calling, by any station or stations using telegraphy, telephony, or facsimile.

§ 8.7 *Technical—(a) Radio frequency.* Any frequency between 10 kilocycles per second and 3,000,000 megacycles per second.

(b) *Audio frequency.* A frequency corresponding to the frequency of a normally audible sound wave, usually between 20 and 15,000 cycles per second.

(c) *Hertzian waves.* Electromagnetic waves of frequencies between 10 kc and 3,000,000 Mc.

(d) *Emission.* Any radiation of energy by means of Hertzian waves.

(e) *Spurious emission.* Any emission from a station at a frequency or frequencies outside an authorized frequency band.

(f) *Telegraphy.* A system of telecommunication for the transmission of written matter by the use of a signal code.

(g) *Telephony.* A system of telecommunication set up for the transmission of speech, or in some cases, other sounds.

(h) *Facsimile.* A system of telecommunication for the transmission of fixed images with a view to their reception in a permanent form.

(i) *Carrier frequency.* The frequency of the carrier.⁷

(j) *Authorized carrier frequency.* A specific carrier frequency authorized for use by a station from which the actual carrier frequency is permitted to deviate, solely because of frequency instability, by an amount not to exceed the frequency tolerance.

(k) *Frequency tolerance.* The extent to which a carrier frequency (or when a carrier is not present, a frequency coinciding with the center of an emission-bandwidth) is permitted by applicable regulations, or by the terms of a station authorization, to depart, solely because of frequency instability, from the authorized carrier frequency (or, when a carrier is not present, from the assigned frequency).

(l) *Frequency-band.* A continuous range of frequencies extending between two designated limiting frequencies.

(m) *Bandwidth.* The number of cycles or kilocycles per second expressing the difference between the limiting frequencies of a frequency-band.

(n) *Radio-channel.* A frequency-band, sufficient in width to permit its use for radiocommunication, comprised of the emission-bandwidth, the interference guard bands, and the frequency tolerance.

(o) *Emission-bandwidth.* The band of frequencies comprising 99 per cent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25 per cent of the total radiated power.⁸

(p) *Interference guard bands.* The two frequency-bands additional to, and on either side of, the authorized frequency-band, which may be provided to minimize the possibility of interference between different radio-channels.

(q) *Authorized emission-bandwidth.* A specific emission-bandwidth authorized for use by a station.

(r) *Authorized frequency-band.* A frequency-band authorized for use by a station.

(s) *Assigned frequency.* The frequency coinciding with the center of the frequency-band in which the station is authorized to work; this frequency does not necessarily correspond to any frequency in an emission.⁹

(t) *Frequency assignment.* The specific frequency or frequencies authorized for the emission(s) of a particular

station; expressed for each radio-channel by—

(1) The authorized carrier frequency, the frequency tolerance, and the authorized emission-bandwidth in relation to the authorized carrier frequency,

(2) The authorized emission-bandwidth in reference to a specific assigned frequency (when a carrier does not exist), or

(3) The authorized frequency-band (when a carrier does not exist).

(u) *Modulation.* The process of producing a wave some characteristic of which varies as a function of the instantaneous value of another wave, called the modulating wave.

(v) *Modulation factor.* (1) In an amplitude-modulated wave, the ratio of half the difference between the maximum and minimum amplitudes to the average amplitude.

(2) In a frequency-modulated wave, the ratio of the actual frequency swing to the frequency swing defined as 100 percent modulation.

(w) *Percentage modulation.* The modulation factor expressed in percent.

(x) *Amplitude modulation (AM).* Modulation in which the amplitude of a wave is the characteristic subject to variation.

(y) *Frequency modulation (FM).* Modulation in which the instantaneous frequency of a sine-wave carrier¹⁰ is caused to depart from the carrier frequency by an amount proportional to the instantaneous value of the modulating wave.

(z) *Frequency deviation.* In frequency modulation, the peak difference between the instantaneous frequency of the modulated wave and the carrier frequency.

(aa) *Frequency swing.* In frequency modulation, the peak difference between the maximum and the minimum values of the instantaneous frequency.

(bb) *Deviation ratio.* In frequency modulation, for a sinusoidal modulating wave, the ratio of the maximum frequency deviation to the maximum frequency of the modulating wave.

(cc) *Antenna (aerial).* A means of radiating or intercepting Hertzian waves.

(dd) *Artificial antenna (dummy antenna).* A device which has the equivalent impedance characteristics of an antenna and the necessary power-handling capabilities, but which does not radiate or intercept Hertzian waves.

(ee) *Last radio stage.* In an electron-tube radio transmitter, the radio-frequency oscillator or power amplifier stage which supplies all radio-frequency power to the antenna, either directly or through the medium of a transmission line.

(ff) *Plate (anode) input power.* The electrical power delivered to the plate (anode) of an electron tube by the source of supply; this power being the product of the indicated anode voltage and the indicated anode current.

(gg) *Antenna power.* The power supplied by a particular radio transmitter

⁷For the definition of "carrier", see § 2.1 of this chapter.

⁸This definition coincides with the definition of "Bandwidth Occupied by an Emission", which appears as paragraph 58 of the International Radio Regulations of Atlantic City, 1947. The emission-bandwidth is dependent upon the class of emission and the speed of signalling.

⁹This definition coincides with the definition of "Frequency Assigned to a Station" which appears as paragraph 57 of the International Radio Regulations of Atlantic City, 1947.

¹⁰For the definition of "carrier", see § 2.1 of this chapter.

to the antenna used in connection with that transmitter, at a radio frequency or frequencies within an authorized frequency-band.

(hh) *Radiated power.* Energy, in the form of Hertzian waves, radiated from an antenna.

(ii) *Authorized transmitter power.* The power of a particular transmitter as designated in the respective station license or in lieu thereof, the power designated in the applicable rule(s) or regulation(s). Unless specifically expressed otherwise, this power is the total plate input power to all electron tubes in the last radio stage of the transmitter which are used to supply radio-frequency power to the antenna, without modulation present in the case of a transmitter used for telephony by means of class A3 emission.

(jj) *Crystal oscillator.* A generator of alternating-current energy, the frequency of which is determined by properties of a piezoelectric crystal.

(kk) *Telephone receivers.* Whenever use of the following terms occurs in reference to "watch" as defined in paragraph (j) of § 8.6, such use of these terms shall be construed as follows:

(1) *Telephone receiver.* Any instrument used to convert energy consisting of electric waves at audio frequency into energy consisting of substantially equivalent sound waves.

(2) *Hand receiver.* A telephone receiver capable of being held to the ear by the hand and normally used in that manner.

(3) *Head receiver.* A telephone receiver capable of being held to the ear by an attached headband or other device and normally used in that manner.

(4) *Loudspeaker.* A telephone receiver capable of effectively radiating acoustic power for reception by ear at a distance and normally used for that purpose.

(ll) *Energize.* The term "energize", as applied in this part to transmitters, receivers, and other component equipment of ship radio installations required for safety purposes, means to supply with power as necessary to provide normal and effective operation of such equipment.

§ 8.3 *Installation for safety communication—(a) Main antenna.* An antenna installed in a fixed position on board a ship, and regularly available for use in connection with a main installation on the same ship.

(b) *Main radio transmitter.* A radio transmitter regularly available in a ship station for safety communication which is energized ordinarily by a main power supply.

(c) *Main radio receiver.* A radio receiver regularly available in a ship station for safety communication which is energized ordinarily by a main power supply.

(d) *Main power supply.* A normally available source of power on board a ship capable of simultaneously energizing all other components of the main installation.

(e) *Main installation.* A radio installation on board a ship including a main antenna, a main transmitter, a main receiver, and a main power supply; capable

of being used for safety communication with other stations in the maritime mobile service.

(f) *Emergency antenna.* An antenna installed in a fixed position on board a ship, and immediately available for use in connection with (1) an emergency or reserve installation on the same ship, or (2) a main installation on the same ship (if a cargo ship) which complies also with all the requirements of an emergency or reserve installation.

(g) *Emergency radio transmitter.* A radio transmitter immediately available in a ship station for safety communication and capable of being energized by the emergency power supply.

(h) *Emergency radio receiver.* A radio receiver immediately available in a ship station for safety communication and capable of being energized by the emergency power supply.

(i) *Emergency power supply.* An immediately available source or sources of power on board a ship, capable of simultaneously energizing, independently of the propelling power of the ship and any other electrical system, all other components of the emergency or reserve installation.

(j) *Emergency or reserve installation.* A radio installation on board a ship; including an emergency antenna, an emergency radio transmitter, an emergency radio receiver, emergency electric lights, and an emergency power supply; capable of being used when energized solely by its emergency power supply, for safety communication with other stations in the maritime mobile service.

(k) *Automatic alarm receiver.* A complete receiving, selecting, and warning device capable of being actuated automatically by intercepted radio-frequency waves forming the international automatic alarm signal, as this signal is specified by the International Radio Regulations.

(l) *Auto-alarm.* An automatic alarm receiver approved as specified by the provisions of section 3 (x) of the Communications Act.

(m) *Automatic alarm-signal keying device.* A device capable of automatically keying a radiotelegraph transmitter so as to transmit the international automatic-alarm signal, as this signal is specified by the International Radio Regulations.

SUBPART B—APPLICATIONS

§ 8.21 *Authorization required for operation of a radio station.* Radio stations required by the Communications Act to be licensed shall not be operated in the maritime mobile service or in the maritime radio-location service (including the maritime navigation service) except under and in accordance with a valid station authorization therefor granted by the Commission.¹ Further,

¹ The Commission has exempted certain low power radio devices from its general licensing requirements as set forth in Part 15, Rules Governing Restricted Radiation Devices. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes, industrial heating, and other miscellaneous purposes not involving radio-communication are set forth in Part 18, Rules and Regulations Relating to Industrial, Scientific and Medical Service.

the operation of such apparatus shall be in conformity with the provisions of statute, international treaty or agreement, and the rules of the Commission relative to the licensing of operators.

§ 8.22 *Administrative classification of stations.* (a) Stations in the maritime mobile service subject to this part are licensed according to the class of station normally as designated below:

(1) Public ship stations authorized to employ telegraphy for public correspondence:

- (i) First class;
- (ii) Second class;
- (iii) Third class;

(2) Public ship stations not authorized to employ telegraphy for public correspondence;

- (3) Limited ship stations;
- (4) Marine-utility stations.

(b) Public ship stations not authorized to employ telegraphy for public correspondence are licensed as public ship stations (one class) without distinction relative to hours of service for public correspondence.

(c) Limited ship stations are licensed (one class) without distinction relative to hours of service.

(d) One ship station license is issued in behalf of one station licensee to authorize the operation of a ship station which is within more than one class as enumerated in paragraph (a) of this section. In all such cases, if the station by reason of any portion of its use or operation, comes within the definition of a public ship station (as defined by paragraph (e) of § 8.3), it is licensed as a public ship station; if the station is authorized to employ telegraphy for public correspondence, it is further classified in accordance with subparagraph (1) of paragraph (a) of this section.

(e) Stations in the maritime radiolocation service subject to this part (other than those exclusively in the maritime radionavigation service) are licensed according to the class of station, normally as designated below:

- (1) Ship radiolocation stations.

(f) Stations in the maritime radionavigation service subject to this part are licensed according to the class of station, normally as designated below:

- (1) Ship radionavigation stations.
- (2) Ship radar stations.

§ 8.23 *Statutory eligibility for station license.* Section 310 of the Communications Act places the following express limitations on the granting and holding of station licenses:

(a) A station license shall not be granted to or held by:

- (1) Any alien or the representative of any alien;
- (2) Any foreign government or the representative thereof;
- (3) Any corporation organized under the laws of any foreign government;
- (4) Any corporation of which any officer or director is an alien;
- (5) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof, or by

² See § 8.3 (e) (2).

any corporation organized under the laws of a foreign country;

(6) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(7) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representatives thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

(8) Nothing in subparagraphs (1) through (7) of this paragraph shall prevent the licensing of radio apparatus on board any vessel, aircraft, or other mobile station of the United States when the installation and use of such apparatus is required by Act of Congress or any treaty to which the United States is a party.

§ 8.24 *Application precedent to authorization.* Except as otherwise provided in §§ 8.26 and 8.42, no authorization will be granted for use or operation of any radio station on board ship in any service governed by this part unless formal written application therefor in proper form* first is filed with the Commission at its offices in Washington 25, D. C. Except as provided in paragraphs (c) and (f) of § 8.42, an application in writing should be filed at least sixty days prior to the earliest date on which it is desired that the requested authorization be granted by the Commission, in order that action therein may be taken by that date. Each application shall be specific and complete with regard to the information requested in the application form, or otherwise specifically requested by the Commission. Unless otherwise specified in a particular case or for a particular form, each application shall be filed in original only.

§ 8.25 *Signature on applications.* One copy of each application for an authorization shall be signed under oath or affirmation by the applicant if the applicant be an individual, or any one of the partners if an applicant be a partnership, or by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association. *Provided, however,* That applications may be signed by the attorney for an applicant (a) in case of physical disability of the applicant, or (b) his absence from the continental United States. If it be made by a person other than the applicant, he must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the applicant. Appli-

cations filed on behalf of eligible governmental entities such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the law of the jurisdiction. Where more than one copy of an application is required to be filed with the Commission, only the original need to be signed and verified; copies may be conformed.

§ 8.26 *Informal applications.* An application not submitted on a standard form prescribed by the Commission* is an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original signed under oath or affirmation. Each application shall be clear and complete within itself as to the facts presented and the action desired.

§ 8.27 *Defective applications.* (a) An application which is not made in accordance with the Commission's rules or other requirements will be considered defective unless accompanied by a request to waive or petition to amend the rule or other requirement with which the application is in conflict. The reasons which are believed to support such a request or petition shall be set forth in detail.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) When an application (other than an application made in an emergency and not in written form) is considered to be incomplete or defective, the Secretary of the Commission will return it to the applicant, unless the Commission may otherwise direct. The reason for return of the application will be indicated, and, if appropriate, necessary additions or corrections will be suggested.

§ 8.28 *Amendment or dismissal of application.* Any application may be amended or dismissed without prejudice upon request of the applicant prior to the time the application is granted or designated for hearing. Each amendment of, or request for dismissal of an application shall be signed, authenticated, and submitted in the same manner and with the same number of copies as required for the original application. All related correspondence or other material which is to be considered as a part of an application already filed shall be submitted in the form of an amendment to the application concerned.

§ 8.29 *Partial grant of application.* Whenever the Commission, without a hearing grants an application in part, or with any privileges, terms, or conditions other than those requested, the action of the Commission shall be considered as

a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written protest, rejecting the grant as made. Upon receipt of such protest, the Commission will vacate its original action upon the application, if necessary, and set the application for hearing in the same manner as other applications are set for hearing.

§ 8.30 *Request for amendment or waiver of rules.* (a) Any provisions of this part (except these provisions which set forth specific requirements, not subject to waiver or change, of any applicable statute, or any applicable international agreement to which the United States is a signatory party) may be repealed, amended or supplemented, subject to the provisions of the Administrative Procedures Act. Any interested person may petition for issuance, amendment, or repeal of any rule or regulation governing stations in the maritime mobile or maritime radio-location service. Such petition may be filed in relation to specific applications for station authorization, or independently thereof, and shall show the text of the proposed rule(s), and shall set forth the reason(s) in support of the petition.

(b) Any provision of this part (except these provisions which set forth specific requirements, not subject to waiver or change, of any applicable statute, or any applicable international agreement to which the United States is a signatory party) may be waived by the Commission, if the Commission finds that important or exceptional circumstances require such waiver and that the public interest will be served thereby. A request for such waiver may be filed in relation to specific applications for station authorization, or independently thereof, and shall set forth in detail the reason(s) said waiver is considered to be necessary, and how the public interest would be served thereby.

§ 8.31 *Applications concerning marine-utility stations.* Whenever a marine-utility station is to be used and operated at any location on land (whether or not it is to be used and operated additionally on board mobile vessels), such station is subject to the applicable provisions of Part 7 of this chapter and an application for construction permit to establish such station shall be filed with the Commission, pursuant to the requirements therefor contained in that part.

§ 8.32 *Application for station license.* (a) In accordance with § 8.24 application for station license to authorize the use and operation of radio transmitting apparatus on board ship shall be submitted on the appropriate Federal Communications Commission form as prescribed in § 8.36.

(b) Each application for a public ship station license which requests authority to employ telegraphy for public correspondence shall designate the class of station desired to be authorized, in accordance with the terms of paragraph (c) of § 8.3.

* Standard forms are prescribed herein for use in connection with the majority of applications submitted for Commission consideration. These forms may be obtained without cost from the Commission at Washington, D. C., or from any of its field offices.

* Standard forms are prescribed herein for use in connection with the majority of applications and reports submitted for Commission consideration. These forms may be obtained from the Commission at Washington, D. C., or from any of its field offices.

§ 8.33 Changes during license term. When, during the term of a station license, any change is to be made in respect to the station, or with respect to its use and operation, which would result in a deviation from the terms of the license and/or any supplemental instrument of authorization, application for modification of license on the appropriate FCC form as prescribed in § 8.36 shall be submitted in accordance with § 8.24 not less than 60 days prior to the date contemplated for such modification of license in order that action therein may be taken by that date.

§ 8.34 Renewal of license. Application for renewal of station license shall be submitted on the appropriate FCC form as prescribed in § 8.36. Unless otherwise directed by the Commission, such application should be filed at least 60 days prior to the expiration date of the license sought to be renewed in order that action therein may be taken by that date.

§ 8.35 Reinstatement of license. When the use and operation of a station has been discontinued due to the station license having expired by its own terms, and application for renewal of station license has not been submitted within a period of time acceptable to the Commission for the purpose of renewal, application for station license on the appropriate FCC form as prescribed in § 8.36 shall, if authority is desired for resumption of operation, be submitted in accordance with § 8.24.

§ 8.36 Application forms for station authorizations. (a) The forms herein-after designated in this section shall be used for filing formal applications for station authorizations:

(1) For ship stations employing telegraph transmission only, or employing both telegraph and telephone transmission:

For ship station license: FCC Form 501 together with supplementary FCC Form 500.
For modification of ship station license: FCC Form 503 together with supplementary FCC Form 500.

For renewal of ship station license: FCC Form 502.

(2) For ship stations employing radiotelephone transmission (for this purpose, the use of incidental telegraphic emission for calling or operating signals is included in the term "radiotelephone transmission") and for marine-utility stations to be operated on board mobile vessels exclusively:

For ship station license, or renewal or modification thereof: FCC Form 501-A.

(3) For ship stations employing facsimile transmission, composite transmission, or transmission not designated in any of the foregoing categories; and for ship radiolocation or radionavigation stations (other than ship-radar stations):

For station license: FCC Form 501.
For modification of station license: FCC Form 503.
For renewal of station license: FCC Form 502.

(4) For ship-radar stations:

For license, or renewal, or modification thereof: FCC Form 501-B.

(5) For stations on board ship which employ two or more of the foregoing types of transmissions (other than as indicated in subparagraph (1) of this paragraph) and for developmental stations on board ship:

For license, or renewal, or modification thereof: Each of the form or forms herein specified for the corresponding type or types of transmission.

§ 8.37 Application for consent to voluntary assignment or transfer of control of station license. (a) Application for consent to voluntary assignment of a license covering any class of station governed by this part, or for consent to voluntary transfer of control of a corporation holding such license, shall be filed with the Commission on FCC Form 702, "Application for Consent to Assignment of Radio Station Construction Permit or License", or FCC Form 703, "Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License", as the case may be, at least 60 days prior to the contemplated effective date of assignment or transfer of control in order that action therein may be taken by that date.

(b) In the case of stations on board ship licensed to operate in any service governed by this part, involuntary assignment of licenses will not be made. Upon the death or legal disability of the licensee, such licenses shall be surrendered for cancellation.

§ 8.38 Applications filed concurrently. Applications of different category but in respect to the same station and radio service may be filed concurrently by the same applicant as prescribed herewith:

(a) Applications for modification of station license and for renewal of station license;

(b) Applications for modification of station license and for consent to voluntary assignment or transfer of control of station license;

(c) Applications for renewal of station license and for consent to voluntary assignment or transfer of control of station license.

§ 8.39 One application for plurality of stations. (a) One application may be filed for several station authorizations to cover similar stations on board different ships: *Provided*, The following elements are the same for all stations covered by such application:

- (1) Nature of application (license, modification of license, renewal of license, or special temporary authority);
- (2) Applicant;
- (3) Licensee (when request is for modification or removal);
- (4) Nature of service and class of station as set forth in § 8.22;

(b) Paragraph (a) of this section shall apply only when the individual stations covered by such application are clearly identified therein and properly related to the information supplied which is applicable to the respective authorization requested for each station.

§ 8.40 Application for station of portable nature (other than marine-utility station). (a) Upon application as appropriate under §§ 8.26, 8.36 or 8.42 including a supplemental statement as prescribed in subparagraphs (1) and (2) of this paragraph, the Commission may grant a license, modification of license, renewal of license, or special temporary authorization, permitting operation of a station of an established class in the maritime mobile or maritime radiolocation service which is readily portable for use as the occasion requires on board a ship or ships of the United States: *Provided*, The applicant makes a satisfactory showing that:

(1) The station will be operated as an established class of station on board ship in conformity with all applicable rules of the Commission, and

(2) Unusual circumstances exist whereby a station license to cover such operation is necessary to eliminate the necessity of frequently filing applications for special temporary authority, licenses, or modifications of license in order to permit on short notice the temporary operation of specified apparatus on board a designated ship or ships of the United States.

§ 8.41 Application for exceptional authority to communicate with amateur stations. Upon proper application, including a supplemental statement as herein prescribed, the Commission may grant a license, modification of license, renewal of license, or special temporary authorization, permitting a ship telegraph station on board a vessel not engaged in commerce or a vessel used, or intended to be used, for scientific research or expedition, to transmit by means of class A1 or A2 emission on authorized ship telegraph frequencies within the band 2000 kc to 25,000 kc, for the purpose of exchanging radiotelegraph communications directly with licensed amateur stations* on land in accordance with the provisions of § 8.70: *Provided*, The applicant includes a supplemental statement satisfactorily showing that:

(a) Unusual circumstances during the contemplated voyage(s) are anticipated which will make direct communication with amateur stations extremely beneficial to persons on board the vessel or to the person(s) responsible for the scientific research or expedition for which the vessel is used or is intended to be used;

(b) The messages to be exchanged with amateur stations will contain no material relating directly or indirectly to a commercial transaction; and

(c) Transmission for this purpose will be conducted on a secondary basis so as to avoid interference to commercial message traffic and other authorized emissions of stations operating in the maritime radiolocation service.

§ 8.43 Application precedent to hearing. Whenever the Commission regards an application for renewal of license as essential to the proper conduct of a hear-

* For information concerning amateur stations, see Part 12 of this chapter.

ing or investigation and specifically directs that the licensee file such application by a certain date, the application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 8.44 Failure to prosecute applications. An applicant not desiring to prosecute his application may request that it be dismissed without prejudice. Where an applicant fails to respond within a reasonable time to official correspondence or request for additional material, the application will be dismissed without prejudice.

§ 8.45 Inconsistent or conflicting applications. When an applicant has an application pending or undecided, no other inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf of or for the benefit of said applicant, will be considered by the Commission.

NOTE: §§ 8.46 to 8.49, inclusive, relate only to ship radio installations required by law for safety purposes.

§ 8.46 Application for inspection. Pursuant to section 360 (b) of the Communications Act, a ship of the United States which, by reason of the provisions of Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, is required to be fitted with a radio installation for safety purposes, shall, at least once in each 12-month period, be made available by the owner or operating agency of the ship for a detailed inspection of the ship's radio installation. A formal application, FCC Form 801, "Application for Ship Radio Inspection", for such inspection shall be filed with the Commission's engineer in charge at the radio district office nearest the desired port of inspection at least 3 days prior to the date on which such inspection is desired. A service representative (who holds the proper class of radio operator license) of the ship station licensee and (unless otherwise notified by the Commission's representative) sufficient personnel to lower and raise the antenna(s) and to launch any required radio-equipped lifeboat(s), shall be available at the ship at the time inspection is to be conducted. The application for such inspection shall be filed by the shipowner, the ship operating agency, the ship station licensee, or the shipmaster. In the case of passenger ships, such application shall be filed preferably at a time to provide for such inspection coincident with the annual inspection of the vessel by the United States Coast Guard.

§ 8.47 Application for certificate of compliance with Safety Convention. Whenever a Safety Certificate or a Safety Radiotelegraphy Certificate or a modification or renewal thereof, is required by reason of the applicability to a ship of the radio provisions of the Safety Convention, an application, FCC Form 801, "Application for Ship Radio Inspection", for a required inspection of the radio installation on board and certification of the result of such inspection

to the United States Coast Guard for the issuance of a Convention Certificate, shall be filed with the Commission's engineer in charge at the radio district office nearest the desired port of inspection at least 3 days prior to the date on which such inspection is desired. A service representative (who holds the proper class of radio operator license) of the ship station licensee and unless otherwise notified by the Commission's representative) sufficient personnel to lower and raise the antenna(s) and to launch any required radio-equipped lifeboat(s), shall be available at the ship at the time inspection is to be conducted. Such application shall be filed by the shipowner, the ship operating agency, the ship station licensee, or the shipmaster; and when appropriate may be combined with the application for annual inspection prescribed by § 8.46.

§ 8.48 Extra compensation for overtime services by inspectors. Pursuant to section 4 (f) (2) of the Communications Act, inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Commission, who may be required to remain on duty to perform services in connection with the inspection of ship radio equipment and apparatus for the purposes of Part II of Title III of the Act at night or on Sundays and holidays, shall receive extra compensation, to be paid by the master, owner, or agent of the vessel, under the following regulations:

(a) The rates of extra compensation are payable in cases where the services of such inspectors have been duly requested and they have reported for duty, even though no actual service may be performed.

(b) The extra compensation for overtime services is in addition to the regular compensation paid by the government in the case of inspectors whose compensation is fixed on the ordinary per diem basis and those receiving compensation per month or per annum.

(c) Extra compensation for "waiting time" will not be allowed unless and until the inspector actually reports for duty.

(d) For the purpose of computing extra compensation, the word "night" shall mean the time between the established closing hour of one day at the office involved and the established opening hour of the following business day at such office, but shall not include any such time within the 24 hours of a Sunday or holiday. Each Sunday and each holiday shall comprise the 24 hours between midnight and midnight. For the purposes of this section the time between the established closing hour of an office and midnight of the day immediately preceding a Sunday or holiday and the time from midnight until the established opening hour of the day immediately following the said Sunday or holiday will be considered as a single night. The term "holiday" shall include only national holidays, viz. January 1, February 22, May 30, July 4, the first Monday in September, November 11, Thanksgiving Day (when designated by the President), December 25, and such other days as

may be designated national holidays by the President or by Congress.

(e) For authorized service in excess of 8 hours on any day excluding Sunday and holidays, extra compensation equivalent to one-half day's pay is payable for each 2 hours or fraction thereof of at least 1 hour that the overtime extends beyond the said 8 hours provided that the overtime is not less than 1 hour. The maximum amount which may be paid for such authorized overtime services on any one day other than on a Sunday or holiday shall not exceed 2½ days' pay.

(f) In computing the amount earned for overtime at the rate of "one-half day's pay for each 2 hours or fraction thereof of at least 1 hour that the overtime extends beyond the established closing hour", one-half day's pay shall be one-half of the gross daily rate of pay; each 2 hours is the time period for the purpose of computation; at least 1 hour means the minimum service in any such 2-hour overtime period for which extra pay may be granted, and each additional period in the amount of 2 hours or fraction thereof of at least 1 hour will entitle the inspector to an additional one-half day's pay. Payment of extra compensation for services consisting of at least 1 hour is authorized from the established closing hour, even though such services may not actually begin until later, provided that the inspector rendering the service remained on duty after the established closing hour, in which case the time between the established closing hour, and the time of beginning the actual services shall be computed as waiting time. Where the performance of actual service is preceded by such a waiting time there should be an affirmative statement that the inspector was required to remain on duty between the established closing hour and the time of beginning the actual services.

(g) In computing extra compensation where the services rendered are in broken periods, the time served should be combined with the waiting time and computed as continuous service.

(h) The same considerations shall apply when charging for waiting time as govern the charge for services actually rendered. No charge should be made unless after having reported for duty the waiting time amounts to at least 1 hour.

(i) For any authorized services performed on Sundays and holidays, totaling not more than 8 hours, extra compensation is payable equivalent to two days' pay in addition to any regular compensation for such days. For any authorized service in excess of 8 hours (starting either before or after 5 p. m. local time) extra compensation at the rate of one-half day's pay, based on the normal daily rate of pay, for each two hours of service or fraction thereof of not less than 1 hour, is payable in addition to the extra compensation payable for service up to and including 8 hours of service. The maximum extra compensation payable for work on Sundays and holidays is 4½ days' pay.

(j) When inspectors are in travel status overtime shall apply the same

as at official station. However, compensation for such overtime shall not include travel time.

(k) Assessments and collection of fees against steamship companies for overtime services shall be made even though the payment to employees for such services may not be made until funds are appropriated for that purpose.

(l) An application on a form prescribed by the Commission shall be filed with the office being requested to furnish overtime services before such assignment can be made.

(m) Overtime services shall be billed to the steamship companies as soon as possible after the services have been performed and on collection voucher provided for that purpose. Remittance shall be by postal money order or certified check payable to the "Collector of Customs, Treasury Department" and forwarded that officer at the port indicated on the voucher, who shall in turn deposit such remittance on a properly designated receipt account.

(n) Protests against the exaction of extra compensation shall be forwarded to the Commission at Washington, D. C., and a copy thereof sent to the office which furnished the overtime services.

§ 8.49 Application for exemption.

(a) In accordance with the provisions of section 352 (b) of the Communications Act and/or the appropriate provisions* of the Safety Convention, application for exemption from the radio equipment and operator requirements of Part II of Title III of the said Communications Act and/or the said Safety Convention, or application for modification or renewal of exemption previously granted, thereunder, may be made by submitting FCC Form 820, "Application for Exemption", to the Commission at Washington, D. C. In cases of emergency found by the Commission, the Commission may, at its discretion, consider an informal application which should include the full information normally furnished on FCC Form 820.

(b) Whenever exemption from the radio equipment and operator requirements of the Safety Convention is granted in behalf of a ship, the Commission certifies the necessary particulars to the United States Coast Guard in order that an Exemption Certificate in behalf of that ship may be duly issued.

SUBPART C—STATION AUTHORIZATIONS

§ 8.61 *Authority for distress communication.* No provision of the International Radio Regulations shall prevent a mobile station in distress from using any means available to it for drawing attention, signalling its position, and obtaining help.

§ 8.62 *Changes in equipment of licensed station.* A licensed transmitter on board ship may be modified without making application to the Commission and without specific authorization from the Commission: *Provided*, (a) The change does not result in operation in-

consistent with the rules of the Commission nor with the terms of the outstanding authorization for the station involved; (b) the change does not result in any impairment of the ability of the station licensee or the owner, operating agency, or ship master, to comply with any duty or obligation imposed by statute or international treaty or agreement for purposes of safety; and (c) a description of the change is incorporated in the next application for renewal or modification of license.

§ 8.63 *Normal license period.* (a) The period of time during which a license is valid for a station on board ship in the maritime mobile or maritime radiolocation service (other than licenses for developmental stations) normally shall begin at 3:00 A. M., E. S. T., and normally shall be—

(1) For an initial license, from one to five years from the date on which it becomes effective, the term varying as may be necessary to permit the orderly scheduling of renewal applications;

(2) For a renewal license, four years from the date on which the renewed license becomes effective.

§ 8.64 *License period for developmental station.* A license for a developmental station on board ship shall be issued specifically upon a temporary basis for a specified period of time not to exceed one year from the date on which the license becomes effective.

§ 8.65 *Issuance of modified and renewed license simultaneously.* When an application is granted by the Commission which necessitates the issuance of a modified station license to become effective less than 60 days prior to the expiration date of the license sought to be modified, and when an application for renewal of said license is granted subsequent or prior thereto, but within 30 days of the date of expiration of the outstanding license, the modified license as well as the renewed license shall be issued as one document in accordance with the combined action of the Commission.

§ 8.66 *One license for plurality of stations.* (a) Unless otherwise determined by the Commission in exceptional circumstances, one station license may be granted to authorize the use and operation of a designated maximum number of stations in the maritime mobile service—normally in multiples of ten stations—on board two or more ships of the United States which do not engage on voyages to any foreign country whenever telephony is the sole type of transmission authorized and the following license elements are the same for each station and the requirements specified in paragraph (b) of this section are fulfilled:

(1) The station licensee;

(2) The conditions which establish and maintain control of the station by the station licensee;

(3) The class of station and nature of service;

(4) The type(s) of transmitting equipment to be authorized (different types of transmitting equipment, which are recognized by the Commission as be-

ing equivalent on an engineering basis, shall, for the purpose of this section, be considered as the same type);

(5) The authorized transmitter-power of identical types of transmitting equipment to be authorized;

(6) The frequency assignment and the authorized transmitter-power and class or classes of emission authorized on each radio-channel.

(b) The issuance of one station license as provided in paragraph (a) of this section shall be contingent upon compliance by the applicant and station licensee with the following requirements:

(1) The licensee shall, at the time the application(s) for license is(are) filed and during the entire period in which the station license is valid, keep the Commission at Washington, D. C. and the Commission's engineer in charge of each radio district in which the stations are operated currently informed in writing of the names, registration number and respective classes of ships which are provided with stations authorized in accordance with the terms of the station license;

(2) The transmitting equipment is not installed on board ship for the purpose of complying with the provisions of any statute or international agreement requiring the installation or use of such equipment for safety purposes;

(3) The transmitting equipment shall not be authorized in any other instrument of authorization issued by the Commission.

§ 8.67 *Transfer or assignment of station authorization (see also § 8.37).* Section 310 (b) of the Communications Act expressly provides that a station license granted by the Commission, the frequencies authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such license, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing.

§ 8.68 *Authority for lifeboat radio station.* Whenever, in an application for ship station license, additional radio transmitting equipment described therein is designated as intended for use solely in a lifeboat or other survival craft associated with the principal vessel to which the application applies, operation of such lifeboat radio equipment, for maintenance tests and safety communication only, will be specifically authorized by the ship station license issued in response to that application.

§ 8.69 *Authority for transmission from cable buoy.* Provided the transmitting equipment to be used on a cable marker buoy is adequately described and the necessary technical data is supplied in an application for station license for a ship station on board a cable-repair ship with which the buoy is associated, the use of such transmitting equipment for radiolocation in accordance with § 8.407 will be specifically authorized by the related ship station license.

* Article 28 of the 1929 Safety Convention; Regulations 5 and 6 of Chapter IV of the Regulations annexed to the Safety Convention of 1948.

§ 8.70 *Authority to communicate with amateur stations.* (a) A ship station shall not communicate with or transmit to any amateur station unless it is specifically authorized by the Commission to do so. When authorized to communicate with duly licensed amateur stations, a ship station shall conduct all operation for this purpose in conformity with the relevant terms of its station license and, except as otherwise permitted by the station license, shall, for this purpose,

(1) Transmit by means of A1 or A2 emission only on a frequency between 2000 kc and 25,000 kc authorized for such emission;

(2) Not cause harmful interference to stations in the maritime mobile service nor to stations in the radiolocation service;

(3) Not engage in any communications relating directly or indirectly to a commercial transaction.

(b) Communication with amateur stations of foreign countries shall be limited to communications with such amateur stations as are authorized to communicate with the ship station concerned; in addition, the nature of the communications exchanged with foreign amateur stations shall, in addition to the requirements of paragraph (a) of this section, be in accordance with the International Radio Regulations and in conformity with the regulations of the foreign administration(s) having jurisdiction over the amateur stations(s) involved.

§ 8.71 *Limitations concerning stations of portable nature (other than marine-utility stations).* Advance notice in writing or by telegram shall be given to the Commission and to the engineer in charge of the radio district where the operation is to take place by the licensee of a station of a portable nature (other than a marine-utility station) authorized for use on board ship prior to any operation contemplated on board a particular ship. Such notice shall state the call sign of such station, name of licensee, approximate date(s) of intended operation on board the designated ship, and the geographic area in which the ship is to be navigated. A station of a portable nature, (other than a marine-utility station) authorized to be operated on board a ship or ships, shall not be retained on board any one ship during any continuous period exceeding three months without giving further notice to the Commission and to the engineer in charge of the radio district where the operation is to take place: *Provided*, That the foregoing requirements shall not apply to operation of a station of a portable nature on board small boats (tenders, dories, lifeboats, etc.), which are regularly associated with a parent ship, when such station is specifically identified in the license of such parent ship.

§ 8.72 *Authority for ship-radar station.* Any license issued for a ship-radar station shall be subject to the condition that the station licensee in relation to the proper operation of the station in accordance with the radio law and rules and regulations of the Commission, will be represented on board the radar-equipped vessel by the person who at any

given time occupies the position of master.

§ 8.74 *Assignment of call signs.* (a) Ship stations in the maritime mobile service other than those designated in paragraphs (b), (c), (d) and (e) of this section shall be assigned call signs consisting of four-letter combinations commencing with the letter "K" or the letter "W". (Examples: KBCD or WBDC.)

(b) Ship stations authorized to use telephony (except those specified in paragraph (c) of this section), but not authorized to use telegraphy except secondarily for purposes incidental to the use of telephony, located on board ships whose survival craft being carried, if any, are not authorized to operate radio transmitting equipment, shall be assigned call signs consisting of two-letter, four digit combinations (the digits 0 and 1 may not immediately follow a letter) beginning with WA2000 and progressing numerically through WA9999 and beginning again with WB2000 and progressing thus through the "W" series of prefixes. In cases of vessels having or eligible for signal letters assignable by the United States Treasury Department, the Commission may, if it deems such action necessary or desirable, make exceptions to the foregoing provisions and assign call signs of such character as is legally permissible and as it may deem appropriate in each particular case.

(c) Normally, an individual call sign shall be assigned to each ship (other than survival craft attached to a parent ship) carrying a station licensed in the maritime mobile service, provided that a single call sign shall be assigned to a plurality of stations authorized by one station license in accordance with § 8.66 whenever such stations are easily identified by means other than call signs and their signal of identification or characteristics of emission are published, when required by international agreement, in appropriate international documents.

(d) Stations of lifeboats, liferafts and other survival craft carried aboard ships shall be assigned call signs consisting of the call sign that has been assigned, or that would be assigned, to the ship station located on board that particular parent ship, followed by two digits (the digits 0 and 1 may not immediately follow a letter). (Example: If the call sign that has been assigned, or would be assigned, to a ship station on board a parent ship is KBCD, the survival craft station shall be KBCD followed by two digits, such as KBCD 45).

(e) Ship-radar stations shall be assigned call signs for administrative purposes only. Such stations located on board ships having a ship station licensed in the maritime mobile service shall be assigned the same call sign as that ship station. If in a particular case the ship has no ship station licensed in the maritime mobile service, the ship-radar station shall be assigned a call sign consisting of a two-letter, four-digit combination (the digits 0 and 1 may not immediately follow a letter) beginning with the letter "W". (Examples: If a ship station licensed in the maritime mobile service with call sign WA2000, or

KBCD, or WBDC, the ship-radar station call sign shall be respectively, WA2000, or KBCD, or WBDC. If the ship has no station licensed in the maritime mobile service, the ship-radar station call sign shall be of the type WA2000.) In case of a ship having, or eligible for, signal letters assignable by the United States Treasury Department, the Commission may if it deems such action necessary or desirable, make exceptions to the foregoing provisions and assign a call sign of such character as is legally permissible and as it may deem appropriate in each particular case.

(f) Each station license issued to authorize the use and operation of one or more marine-utility stations shall designate a single call sign consisting of two letters (taken from the group KA through KZ) followed by four digits (the digits 0 and 1 may not immediately follow a letter).

§ 8.75 *Operation during emergency.*

(a) The licensee of any ship station or developmental station in the maritime mobile service on board ship, may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization or in the rules and regulations governing the maritime mobile service: *Provided*, (1) That as soon as possible after the beginning of such emergency use, notice shall be sent to the Commission at Washington 25, D. C., and to the Commission's engineer in charge of the district in which the station is located, stating the nature of the emergency and the emergency use being made of the station; (2) that such emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available; and (3) the Commission and the engineer in charge be notified immediately when such special use of the station is terminated: *And provided further*, That in no event shall any ship station or developmental station on board ship engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided for by the Commission, or by law: *And provided further*, That the Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

(b) The Commission may authorize the licensee of any radio station governed by this part during a period of national emergency to operate its facilities upon such frequencies, with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army, Navy, or Air Force.

SUBPART D—GENERAL STATION REQUIREMENTS

§ 8.101 *Inspection of station.*¹ (a) Pursuant to section 303 (n) of the Communications Act, the radio installation

¹ See also §§ 8.261 and 8.501.

on board any ship of United States registry shall be available for inspection by duly authorized representatives of the Commission at any reasonable time and at such frequent intervals as within the discretion of the Commission will insure compliance with applicable regulations, laws, and treaties.

(b) The governments or appropriate administrations of countries, where a ship equipped with a radio station calls, may require the production of the station license for examination. The operator of the station, or the person responsible for the station, must facilitate this examination. The station license must be available so that it can be produced without delay. When the license cannot be produced or when manifest irregularities are observed, governments or administrations may inspect the radio installation in order to satisfy themselves that the installation conforms to the conditions imposed by the International Radio Regulations.

§ 8.102 Posting of station license.

(a) Except for certain stations to which paragraph (b) of this section is applicable and except for stations authorized in accordance with § 8.66, the original license for each station on board ship subject to this part shall be posted in a conspicuous place at the principal location on board at which the station is operated: *Provided*, That the ship-radar station license shall be posted in a conspicuous place at the principal radar operating position.

(b) With respect to stations of a portable nature, including marine-utility stations but excluding stations authorized in accordance with § 8.66, where posting of the station license is impracticable, the requirement of paragraph (a) of this section shall not apply: *Provided*, That in lieu thereof the original station license or a photocopy thereof is retained on board the vessel (other than survival craft carried on board a parent ship) during the entire time the station is located thereon.

(c) With respect to a plurality of stations authorized by one station license in accordance with the provisions of § 8.66, the station license shall be retained by the licensee at any location where it is accessible to governmental inspection. In lieu of posting the license on board ship, a Transmitter Identification Card (FCC Form No. 452-C Revised) properly executed shall be affixed to the authorized transmitting equipment on board each ship: *Provided*, That where the transmitting equipment is not visible from the operating position on the ship or is not readily accessible for governmental inspection, the Transmitter Identification Card shall be affixed to the control apparatus at the principal station operating position on board. The following information shall be entered on the Transmitter Identification Card by the station licensee:

- (1) Name of station licensee;
- (2) Station call sign assigned by the Commission;
- (3) Exact location or locations of the actual station license and any station records required by the Commission;

(4) The assigned frequency or frequencies on which the transmitting equipment is authorized to be operated; and

(5) Signature of the licensee, or his duly authorized agent.

§ 8.103 Location of station. All components of a station on board ship subject to this part, including the antenna(s), antenna supporting structures, and source(s) of power used to energize the station equipment, shall be located on board the vessel identified in the station license, even though the vessel be temporarily moored. For purposes of communication, no component of a ship station shall be connected by wire line directly or indirectly to any equipment, apparatus, or facilities which are not located entirely on board the vessel identified in the station license: *Provided*, That the limitations of this section shall not apply (a) when the station is being operated in an emergency under the provisions of § 8.75, or (b) when it is necessary, while the ship is temporarily moored, to energize one or more components of a main installation or an emergency installation by means of a source of power not located on board the ship, for the purpose of assuring compliance with any applicable safety radio requirement of law.

§ 8.104 Operating controls. (a) In each ship station, effective on and after January 1, 1953, operating controls capable of being used to—

- (1) Commence and discontinue normal operation of the station;
- (2) Change normally from each operating radio-channel to any other associated operating radio-channel in the same characteristic portion of the spectrum; and
- (3) Change normally from transmission to reception and vice-versa,

shall be readily available at the principal operating location of the station for instant use by the authorized operator in accordance with the provisions of § 8.154, whenever the station is being used for transmission.

(b) Effective on and after January 1, 1952, every ship station using telegraphy shall, when an authorized operator is present at the principal operating location, be capable of change-over from telegraph transmission to telegraph reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time.

(c) Effective on and after January 1, 1956, every ship station using telephony shall, when an authorized operator is present at the principal operating location, be capable of change-over from telephone transmission to telephone reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time: *Provided*, That ship stations and marine-utility stations using telephony on any frequency assignment above 30 Mc shall, with respect to operation on such frequencies, comply with this re-

quirement, effective on and after January 1, 1952.

(d) Effective on and after January 1, 1952, every ship station shall, during its hours of service and when the authorized operator is present at the principal operating location, be capable of—

- (1) Commencing operation within one minute after the need to do so occurs;
- (2) Discontinuing all emission within five seconds after emission is no longer required or after the necessity arises for emission to cease.

(e) (1) Subject to the provisions of subparagraph (2) of this paragraph, each ship station using a multi-channel installation for telegraphy shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from each operating radio-channel to any other operating radio-channel for transmission or reception by means of telegraphy within:

- (i) A period of five seconds if the particular radio-channels are within the same characteristic portion of the spectrum; or
- (ii) A period of fifteen seconds if the particular radio-channels are not within the same characteristic portion of the spectrum;

Provided, however, That this requirement need not be met by equipment intended for use only in emergencies and not used for normal communication.

(2) The requirements of subparagraph (1) of this paragraph shall be effective—

- (i) With respect to radio-channels below 515 kc, on and after January 1, 1956; and
- (ii) With respect to radio-channels within the frequency-band 2000 kc to 25000 kc, on and after the effective date of Article 28, paragraph 12, of the Radio Regulations of Atlantic City, 1947, or on and after January 1, 1962; whichever date first occurs.

(f) Effective on and after the dates hereinafter designated in this paragraph, every ship station and marine-utility station using a multi-channel installation for telephony shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from one operating radio-channel to another operating radio-channel for transmission or reception by means of telephony within—

- (1) A period of five seconds, when changing from the calling channel to a working channel and vice-versa within the frequency-band 1600 kc to 4000 kc; effective on and after January 1, 1962; or
- (2) A period of three seconds, when changing from the calling channel to a working channel and vice-versa within the frequency band 156 Mc to 162 Mc; effective on and after January 1, 1952.

(g) Whenever the same radio-channel is used for radiotelephone transmission and reception, means shall be provided so that transmission of the carrier wave may be either automatically "voice-controlled" or controlled manually by the person whose speech is being transmitted.

(h) (1) Subject to the provisions of subparagraph (2) of this paragraph, each ship station using telegraphy on frequencies within the band 365 kc to 515 kc must, with respect to the use of any transmitter capable of a plate input power in excess of 450 watts and completed in construction subsequent to January 1, 1952, be provided with an arrangement readily permitting the use of a plate input power for telegraphy which is not in excess of 200 watts. Each such transmitter shall be furnished with a durable nameplate with the month and year of its completion permanently inscribed thereon.

(2) The requirement of subparagraph (1) of this paragraph shall not apply when there is available in the same station a duly authorized radiotelegraph transmitter capable of operation on the international calling frequency 500 kc and at least one working frequency within the band 365 kc to 485 kc, capable of being energized by a source of power other than an emergency power supply installed for compliance with applicable provisions of treaty or statute, and not capable of a plate input power in excess of 450 watts when operated on such frequencies.

§ 8.105 Required radio-channels for telegraphy. (a) Each ship station using telegraphy on frequencies within the band 365 kc to 515 kc (except stations on lifeboats or survival craft) shall be capable of transmitting and receiving classes A1 and A2 emission on the radio-channel of which 500 kc is the assigned frequency, and on at least one additional radio-channel within this band which is authorized for working. When a radio-telegraph installation is compulsorily fitted for safety purposes, a third radio-channel which is authorized specifically for direction-finding within this band must be provided also.

(b) Each ship station using telegraphy on frequencies within the band 100 kc to 160 kc shall be capable of transmitting and receiving class A1 emission on the radio-channel of which 143 kc is the assigned frequency, and on at least two additional radio-channels within this band (except within the band 140 kc to 146 kc) which are authorized for working.

§ 8.106 Required radio-channels for telephony. (a) Pending final decision by the Commission in Docket 9797 in respect to this paragraph as proposed in that docket, the following provision shall continue in effect. In the Great Lakes area, each ship station using telephony and licensed to transmit on one or more frequencies within the band 2000-2200 kc must be capable of transmitting and receiving, and shall be licensed to transmit, on the frequency 2182 kc.

(b) Each ship station using telephony on frequencies within the band 1600 kc to 4000 kc which is licensed to transmit on the radio-channel of which 2182 kc is the authorized carrier frequency, shall be capable also of receiving telephony on this channel, and shall be capable also of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies)

on at least one other radio-channel authorized for working in this band.

§ 8.107 Antenna requirements. (a) The antenna(s) of each public ship station and of each ship station compulsorily provided on board a vessel for safety purposes pursuant to statute or international agreement shall, insofar as is practicable in each case, have electrical characteristics that will, in conjunction with the particular transmitting apparatus employed, assure good efficiency in the conversion of antenna power to radiated power.

(b) All emission of a ship station, or a marine-utility station on board ship, using telephony on any frequency assignment within the frequency-band 30 Mc to 200 Mc normally shall be polarized vertically at the source when the vessel carrying the station is in a normal vertical plane: *Provided*, The Commission may authorize the use of any other form of polarization in addition to or in lieu of vertical polarization if the applicant or station licensee makes a satisfactory showing that such authorization is necessary for effective communication or reduction of interference and would be beneficial to reception of the emission by other stations in the maritime mobile service.

§ 8.108 Adjustment of equipment. The transmitting equipment of each station subject to this part shall be operated, tuned, and adjusted so that there will be no radiation of emissions outside the authorized frequency-band that causes harmful interference or is capable of causing harmful interference to the service of any other station. Any spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at the lowest practicable level.

§ 8.109 Measurement of emission frequencies. (a) The licensee of each station on board ship subject to this part shall be responsible^{*} for measurement of each carrier frequency in use by the station as stipulated in the paragraphs (b) through (f) of this section: *Provided*, That when a carrier does not exist (except for ship-radar stations)^{*} meas-

urement shall be made of the frequency coinciding with the center frequency of the emission-bandwidth, in lieu of measurement of the carrier frequency.

(b) Measurement of the carrier frequency shall occur during normal operating conditions, including with and without the application of amplitude modulation if such modulation is employed. In the case of a station using frequency modulation, measurement of the carrier frequency shall be made while modulation is not applied.

(c) Measurement of the carrier frequency shall be made by means independent of the carrier frequency determining elements of the transmitting apparatus, and the measuring equipment, shall be capable of revealing deviation in cycles, kilocycles, or megacycles per second (as may be appropriate in each case) from the authorized carrier frequency or the assigned frequency of the station with an accuracy of at least one-half the frequency tolerance authorized by the Commission.

(d) Measurement of the carrier frequency shall, as a minimum requirement, be made at the following times:

(1) When the involved transmitting apparatus is placed in service both initially and on each occasion after it has been removed (other than marine-utility stations and stations of portable nature) physically and temporarily from its place of installation.

(2) As soon as is practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the frequency of the carrier (including marine-utility stations and stations of portable nature).

(3) As soon as is practicable after the licensee receives an official notice from the Commission that the carrier frequency or the frequency coinciding with the center of the emission-bandwidth has been observed by the Commission to be beyond the frequency tolerance.

(e) Each frequency measurement performed in order to comply with the provisions of this section shall be recorded in the official records of the station. In each instance of measurement the record shall show the location of the transmitter, the location of the measuring equipment, the identity of the transmitter involved, the time and date of measurement, the indicated deviation in cycles, kilocycles, or megacycles per second (as may be appropriate in each case) above or below the authorized carrier frequency or (when a carrier does not exist) above or below the assigned frequency (or other appropriate data in respect to measurement of the frequencies of emission of a ship-radar station) and the signature of the person(s) who made the measurement, together with the name of any measurement service with which such person(s) may be associated for this purpose. Each original record of measurement shall, wherever practicable, be continuously retained in the official records of the station for a period of at least twelve months from the date of measurement, and shall be made available to the Commission upon request or during inspection of the station by an official representative of the Commission. When such retention of these rec-

^{*}Paragraph 7, Article 28, of the International Radio Regulations (Atlantic City, 1947), which becomes effective when the new International Frequency List becomes effective (as provided by Article 47 of those Regulations), provides that when the ship station transmitter itself cannot be controlled in such a way that its frequency satisfies the tolerance specified in Appendix 3 of those Regulations, the ship station must be provided with a device, having a precision at least equal to one-half of this tolerance, for measuring the frequency of emission. For this purpose, the Commission will accept a master-oscillator of a ship station electron tube transmitter in lieu of the frequency meter prescribed by this international regulation, provided the calibration of the said transmitter and of the circuit as a whole is such as to permit the convenient adjustment of the transmitter to its licensed frequencies within the tolerance for ship stations prescribed by § 8.131.

^{*}The licensee of a ship-radar station shall take the necessary measures to insure that the transmitter operates within the emission limits specified in § 8.133.

ords at the station is deemed by the licensee to be impracticable (such as may be the situation in respect to marine-utility stations and stations of portable nature) the original records shall be retained under jurisdiction of the station licensee at any location in the United States where they can be made readily available for inspection upon request by the Commission or an official representative thereof.

(f) Measurement of frequency required by the provisions of this section may, at the option of the station licensee, be made by any qualified engineering measurement service: *Provided*, That nothing contained in this paragraph shall be construed to change or diminish in any respect the responsibility of the station licensee for proper functioning and operation of the station in accordance with law.

§ 8.110 *Measurement of transmitter-power.* (a) The actual power of each radio transmitter in a ship station, subject to this part, shall be maintained within the following tolerance of the specific power authorized for that transmitter by the Commission:

(1) When the maximum authorized transmitter-power only is indicated, the actual power shall, insofar as is practicable, not be more than that necessary to carry on the service for which the station is licensed and in no event more than 20 per cent above the maximum power authorized;

(2) When the exact authorized transmitter-power is indicated, the actual power shall, whenever the transmitter is being operated, be within the limits of 120 per cent and 80 per cent of the authorized power.

(b) For the purpose of assuring adherence to the requirement of paragraph (a) of this section, each radio transmitter in a ship station which is rated by the manufacturer as being capable of a plate input power in excess of 200 watts or an antenna power in excess of 100 watts and completed in construction after July 1, 1952, in a ship station, subject to this part, shall be fitted with the instrument(s) necessary to determine the actual plate power to the transmitter whenever the latter is in use: *Provided*, That on and after July 1, 1956, this requirement shall apply to all such transmitters (including stations of portable nature) rated by the manufacturer with respect to power as set forth in this paragraph.

(c) When the power of a transmitter in a ship station, subject to this part, as rated by the manufacturer, is capable of being more than 120 per cent of the authorized power, the station licensee, effective on and after January 1, 1952, shall employ an approved procedure to determine that the actual power does not exceed the authorized power. This determination shall be made and the result thereof entered in the licensee's records (which shall be made available to the Commission or an official representative thereof, upon request) as follows:

(1) When the involved transmitting apparatus is placed in service, both initially and on each occasion after it has been removed (other than marine-utility

stations and other stations of portable nature) physically and temporarily from its place of installation;

(2) As soon as practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the actual power (including marine-utility stations and stations of portable nature);

(3) When required by an official representative of the Commission on the basis that the actual power appears, from an official inspection of the station, to exceed the authorized power.

(d) With respect to a transmitter used for telephony by means of class A3 emission, the term "power," as used in paragraphs (a), (b) and (c) of this section, means power without modulation present.

§ 8.111 *Modulation adjustments for telephony.* (a) Ship stations and marine-utility stations using class A3 emission for telephony shall be capable of proper technical operation with peak modulation percentage between 75 and 100 per cent. Insofar as is practicable, the AM transmitting equipment of such stations shall be adjusted so that the transmission of speech normally produces peak modulation percentages within these limits.

(b) Ship stations and marine-utility stations using class F3 emission for telephony shall be capable of proper technical operation with peak modulation percentage as high as is practicable in reference to the frequency swing normally regarded as 100 per cent modulation. In general, the FM transmitting equipment of such stations shall be adjusted so that the transmission of speech normally produces, on this basis, peak modulation percentages between 75 and 100 per cent.

(c) The adjustments required by paragraphs (a) and (b) of this section shall be made and recorded in the licensee's records as follows:

(1) When the involved transmitting apparatus is placed in service, both initially and on each occasion after it has been removed (except for marine-utility stations and other stations of portable nature) physically and temporarily from its place of installation.

(2) As soon as is practicable after any change, replacement, or repair is made of any part of the equipment which determines or affects the percentage modulation (including marine-utility stations and other stations of portable nature).

(3) When required by the Commission on the basis that the percentage modulation observed during an official inspection of the station by an official representative of the Commission appears to not comply with the requirement of paragraph (a) or (b) of this section.

§ 8.112 *General requirements for receiving apparatus.* (a) The radio equipment of each ship station, or marine-utility station, using telegraphy or telephony, must be capable of permitting the reception of the class or classes of emission on the frequency or frequencies, normally received for the service carried on. The technical arrangement of the station apparatus shall be such that the

necessary reception of emissions, including in particular that necessary for compliance with the provisions of §§ 8.181 and 8.240, can be readily effected prior to the transmission of any signals or communications by the ship station on the associated transmitting frequency.

§ 8.113 *Installation of power source.* The exact location and physical arrangement on board a vessel of any storage battery, or engine-driven generator and fuel tank, used as a source of power for any component of a licensed radio station subject to this part and located on board such vessel, and the method of ventilating the battery or engine compartment, shall be in accordance with applicable rules or regulations promulgated by the United States Coast Guard. If the Commission finds that such rules or regulations are not complied with by a particular station of this category, an application for license or modification or renewal of license thereafter filed in behalf of that station may be designated by the Commission for hearing to determine whether or not the granting of such application would meet the public interest, convenience or necessity.⁴

§ 8.114 *Clock required.* (a) Each ship station licensed to operate on frequencies below 515 kilocycles shall be provided with a reliable clock with a second hand, preferably a sweep second hand. This clock shall be securely mounted in such a position that the second dial can be easily and accurately read by the operator from his normal operating position, from the operating position at which he would ordinarily transmit the international auto-alarm signal by hand, and from the operating position in the radio room used in testing the auto-alarm (if installed) for response to signals from the testing device. Stations which are compulsorily installed on board ship for safety purposes shall, in addition, meet such supplementary requirements for clocks as are prescribed in Subpart R of this part.

(b) Each ship station licensed for operation on frequencies above 1500 kilocycles only, shall, as may be necessary during operation, have available to the operator a suitable timepiece (preferably equipped with a second hand) of sufficient accuracy and reliability to allow for operation of the station in conformity with the terms of its license, regulations of the Commission, and the International Radio Regulations.

§ 8.115 *Retention of radio station logs.*⁵ (a) All station logs which are required under those provisions of this part pertaining to the particular classes of stations subject to this part shall be retained by the licensee for a period of one year from date of entry and for such ad-

⁴ Inquiries concerning applicable regulations of the Coast Guard may be addressed to The Commandant, United States Coast Guard, Washington, D. C., or to the nearest District Headquarters Office of the Coast Guard.

⁵ See Parts 45 and 46 of this chapter concerning preservation of records of common carriers.

ditional periods as required by the following subparagraphs:

(1) Station logs involving communications incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry;

(2) Station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them;

(3) Station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

(b) Station logs shall be made available to an authorized representative of the Commission upon request.

(c) Ship station logs shall be fully completed at the end of each voyage and before the operator(s) (or other person(s) responsible under the applicable provisions of this part) leave the ship. The radio log currently in use shall be kept by the licensed operator(s) of the station or as otherwise authorized by the applicable provisions of this part, and during use shall be located in the principal radio operating room of the vessel. At the conclusion of each ocean voyage terminating at a port of the United States (includes Hawaii, Alaska, Puerto Rico, and Virgin Islands), the original radio log (or a duplicate thereof¹) dating from the last departure of the vessel from a United States port shall be retained under proper custody on board the vessel for a sufficient period of time (not more than 24 hours) to be available for inspection by duly authorized representatives of the Commission. After retention on board the vessel as herein stipulated, the original log (and the duplicate log if provided²) may be filed at an established shore office of the station licensee, and shall be retained as stipulated by paragraph (a) of this section.

SUBPART E—STANDARD TECHNICAL REQUIREMENTS

§ 8.131 Authorized frequency tolerance. (a) Unless the particular instrument of authorization specifically provides otherwise, the frequency tolerances¹ authorized for stations on board ships subject to this part shall be as prescribed in paragraphs (b) through (e) of this section.

(b) Authorized frequency tolerances for ship stations operating on frequencies below 515 kc or within the frequency-band 1600 kc to 25000 kc.

¹ Frequency tolerance is defined by par. (k) of § 8.7.

² Duplicate logs are not required by the provisions of this paragraph, unless the original log is removed prior to opportunity for official inspection.

Frequency ranges

	Applicable to transmitters installed prior to Jan. 1, 1953, until Jan. 1, 1957, or until a date (not before Jan. 1, 1953) specified by effective provisions of the International Radio Regulations (Atlantic City, 1947), whichever date first occurs	Applicable to transmitters installed after Jan. 1, 1953, and applicable to all transmitters after Jan. 1, 1957, or after a date (not before Jan. 1, 1953) specified by effective provisions of the International Radio Regulations (Atlantic City, 1947), whichever date first occurs
(1) From 100 to 515 kc (except for emergency transmitters of the class specified in (2) and (3) below).....	Percent 0.3	Percent 0.1
(2) From 100 to 515 kc; emergency transmitters only, whose use is confined solely to safety communication as defined in § 8.6 (a).....	.8	.3
(3) 500 kc transmitters intended for use solely in lifeboats or other survival craft.....	.5	.5
(4) From 1,600 kc to 3,500 kc inclusive (except for lifeboat transmitters under the condition specified below in (5)).....	.04	.02
(5) For transmitters intended for use solely in lifeboats or other survival craft to be used on the telephone distress frequency 2,182 kc, or on such frequency as may be designated by the Commission for telegraph calling in the frequency-band 1,600 to 3,500 kc.....	.05	.05
(6) Stations when using frequencies within the band 4,000 to 25,000 kc, other than those specified in (7) below.....	.02	-----
(7) Stations (including lifeboat transmitters) when using frequencies within the following bands:		
From 4,115 to 4,185 kc, inclusive.....	.05	-----
From 5,500 to 5,550 kc, inclusive.....	.05	-----
From 6,200 to 6,250 kc, inclusive.....	.05	-----
From 8,230 to 8,330 kc, inclusive.....	.05	-----
From 11,000 to 11,100 kc, inclusive.....	.05	-----
From 12,340 to 12,500 kc, inclusive (except 12,440 and 12,460 kc).....	.05	-----
12,440 and 12,460 kc.....	.02	-----
From 14,400 to 16,700 kc, inclusive (except 16,530, 16,575, and 16,590 kc).....	.05	-----
16,530 and 16,590 kc.....	.025	-----
16,575 kc.....	.02	-----
22,000 to 22,200 kc.....	.05	-----
(8) Stations when using frequencies within the band 4,000 to 25,000 kc.....	-----	1.005 4.02

¹ When using telephony.

² When not using telephony.

(c) Authorized frequency tolerances for ship stations operating on frequencies above 30 Mc and for marine-utility stations:

	Percent
(1) From 30 to 50 Mc:	
For stations licensed to operate with a plate input power not in excess of 3 watts.....	0.02
For all other stations.....	.01
(2) From 100 to 200 Mc:	
For stations on survival craft intended for use in emergencies only.....	.01
For stations licensed to operate with a plate input power not in excess of 3 watts.....	.01
For all other stations.....	.005

(d) For stations in the maritime radiolocation service (other than ship-radar stations) the authorized frequency tolerance shall be specified in the instrument of authorization issued in behalf of each station.

(e) The frequency tolerance authorized for ship-radar stations is prescribed as follows: The frequency at which maximum emission occurs shall be within the authorized frequency-band and shall not be closer than 1.5/T megacycles per second to the upper and lower limits of the authorized frequency-band, where "T" is the pulse duration in microseconds.

§ 8.132 Authorized classes of emission.

(a) When the class of emission is specifically designated in the instrument of authorization, stations on board ship subject to this part shall use emission in conformity with the terms of that document. Otherwise, such stations are authorized to employ classes of emission as follows:

Frequency-band and classes of emission authorized¹

- Ship stations using telegraphy:
 - 100 to 160 kc..... A1, and for brief testing A0.
 - 160 to 515 kc..... A1, A2, A2a, A2b, and for brief testing A0.
 - 2,200 to 25,000 kc..... A1, A2, A2a, A2b, and for brief testing A0.
- Ship stations using telephony:
 - 1,600 kc to 30 Mc..... A3, A3a, A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing A0.
 - 30 Mc to 50 Mc..... A3, A3a, A3b, F3; and for brief operating signals A1, A2, A2a, A2b, F1, F2; also for brief testing A0, F0.
 - 152 Mc to 162 Mc..... In Regions 1, 2, and 3, F3; and for brief operating signals F1 and F2; also for brief testing F0; additionally in Regions 1 and 3 only, A3, A3a, A3b; and for brief operating signals A1, A2, A2a, A2b; also for brief testing A0.

For other frequencies or frequency-bands..... As designated in the station authorization.

- Ship-radar stations:
 - Above 3,000 Mc..... PO.
- Stations of any category not designated in subparagraphs (1), (2), and (3) of this paragraph shall use the class or classes of emission specified in the particular station authorization.

¹ The letter "a" following class A2 or A3 emission means the emission of a single sideband, with reduced carrier. The letter "b" following class A2 or A3 emission means the emission of two independent sidebands, with reduced carrier.

² Permissible by keying the modulated emission. Keying the modulating audio frequency only, without interruption of the carrier wave, is not permissible. The use of any audio frequency pulse device such as a so-called "chopper" is prohibited. The use of these classes of emission on frequencies between 4,000 kc and 23,000 kc, except for stations of survival craft and for special purposes, will be prohibited when Article 23 of the International Radio Regulations of Atlantic City, 1947, becomes effective.

³ See § 8.366 (a) (3).

(b) Classes of emission not authorized in paragraph (a) of this section may be authorized by the Commission in special circumstances, subsequent to a satisfactory showing by the applicant of a need therefor and provided harmful

interference will not result from the use thereof. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission is required.²

§ 8.133 *Authorized emission-bandwidths.*³ (a) When the authorized emission-bandwidth is specifically designated in the instrument of authorization, a station on board ship subject to this part shall use emission-bandwidth(s) in conformity with the terms of that document. Otherwise, such stations shall use emission-bandwidths not exceeding those set forth in this section for the respective classes of emission authorized in § 8.132.

(b) The authorized emission-bandwidths hereinafter designated are established in relation to the operational factors set forth in the following subparagraphs:

(1) Class A0 emission means the incidental radiation of an unmodulated carrier wave from a station which is authorized to use normally an amplitude-modulated wave;

(2) Class A1 emission means a carrier wave (without the use of modulating audio frequency) keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters;

(3) Class A2 emission means a carrier wave amplitude-modulated at audio frequency not exceeding 1250 cycles per second, the modulated carrier wave being keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters. (The authorized emission-bandwidths for classes A2, A2a, and A2b emission are designated hereinafter on this basis);

(4) Class A3 emission means a carrier wave amplitude-modulated at audio frequencies corresponding to those necessary for intelligible speech transmitted at conversational speed. (The authorized emission-bandwidths for classes A3, A3a, and A3b emission are designated hereinafter on this basis);

(5) Class F0 emission means the incidental radiation of an unmodulated carrier wave from a station which is authorized to use normally a frequency-modulated wave;

(6) Class F1 emission means a continuous wave (without the use of modulating audio frequency), the frequency of which is alternately shifted between the normal value and another specific value, by keying normally for telegraphy, so as to transmit intelligence in the International Morse Code. The authorized bandwidth for class F1 emission is designated hereinafter on the basis of the bandwidth authorized for class F2 emission;

(7) Class F2 emission means a continuous wave frequency-modulated at such audio frequency and with such deviation ratio as to not exceed the authorized emission-bandwidth, the modulating frequency being keyed normally for telegraphy so as to transmit intelligence in the International Morse Code at a speed not exceeding 40 words per minute, with the average word composed of 5 letters;

(8) Class F3 emission means a continuous wave frequency-modulated at audio frequencies corresponding to those necessary for intelligible speech transmitted at conversational speed, with a deviation ratio of any value necessary for effective communication, provided the resulting emission shall not exceed the authorized emission-bandwidth;

(9) The keying of a carrier wave or the amplitude modulation of a carrier wave by means of audio or sub-audible frequency or frequencies, so as to transmit in each instance a selective-signalling code intended to actuate a selective-calling device, shall be construed as class A1 emission or class A2, A2a, or A2b emission, respectively, within the limits of the respective authorized emission-bandwidths hereinafter set forth: *Provided*, That for class A2, A2a, or A2b

emission, the frequency of modulation does not exceed 1300 cycles per second on radio-channels authorized for telegraphy, nor 3000 cycles per second on radio-channels authorized for telephony;

(10) The frequency-shift keying of a carrier wave or the frequency-modulation of a carrier wave at audio or sub-audible frequency or frequencies, so as to transmit in each instance a selective signalling code intended to actuate a selective-calling device, shall be construed as class F1 emission or class F2 emission, respectively, within the limits of the respective authorized emission-bandwidths hereinafter set forth: *Provided*, The frequency deviation used, and in the case of class F2 emission the modulating frequency or frequencies used, is (are) such that the emission in fact does not exceed the respective authorized emission-bandwidth;

(11) Class PO emission means pulse transmission with the absence of any modulation intended to carry information, as used by ship-radar stations licensed by the Commission.

(c) (1) The authorized emission-bandwidths for the classes of emission authorized in § 8.132 shall be as follows:

Class of emission	Emission designator	Emission-bandwidth authorized for transmission of intelligence
A0.....	None.....	None.....
A1.....	0.16 A1.....	224 cycles per second.
A2.....	2.66 A2.....	2,724 cycles per second.
A2a.....	1.33 A2a.....	1,362 cycles per second.
A2b.....	2.66 A2b.....	2,724 cycles per second.
A3.....	6 A3.....	5,000 cycles per second.
A3a.....	3 A3a.....	4,000 cycles per second.
A3b.....	6 A3b.....	5,000 cycles per second.
F0.....	None.....	None.....
F1.....	Variable ¹	40,000 cycles per second.
For 35 to 76 Mc.....	Variable ¹	40,000 cycles per second.
For 156.35 to 162.05 Mc.....		
F2.....	36 F2.....	40,000 cycles per second.
For 35 to 76 Mc.....	36 F2.....	40,000 cycles per second.
For 156.35 to 162.05 Mc.....		
F3.....	36 F3.....	40,000 cycles per second.
For 35 to 76 Mc.....	36 F3.....	40,000 cycles per second.
For 156.35 to 162.05 Mc.....		
PO.....	Variable ²	Variable ²

¹ In the case of class F1 emission, the emission designator will vary according to the frequency deviation, the number of words per minute, and other factors involved.

² In the case of class PO emission, the emission designator and the authorized emission-bandwidth will vary according to the specific values of the controlling technical factors. Reference may be made to individual station authorizations which specify therein the respective emission designator and the respective authorized emission-bandwidth. Note also the provisions of § 8.131 (c) concerning authorized frequency tolerance for radar transmitters.

(2) When a specific "emission designator", as expressed in subparagraph (1) of this paragraph appears in a station authorization applicable to any station subject to this part, such designator specifies, for that station and for the particular radio-channel(s) involved, the corresponding authorized emission-bandwidth as set forth in subparagraph (1) of this paragraph.

(3) In the actual operation of a ship station, unless otherwise provided by the station authorization:

(i) When a carrier is present, the frequency coinciding with the center of the frequency-band occupied by the emission-bandwidth shall, when class A2, A2b, A3, F2, or F3 emission is being used, be the same as the carrier frequency;

(ii) When a carrier is not present, the frequency-band occupied by the emission-bandwidth shall be within the authorized frequency-band.

(d) Bandwidths in excess of those set forth in paragraph (c) of this section or emission-bandwidths for other classes of emission may be authorized and set forth in the instrument of authorization if approved by the Commission subsequent to a satisfactory showing by the applicant of need therefor. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission-bandwidth is required.

§ 8.134 *Authorized transmitter-power.*

(a) Stations on board ship subject to this part may use such antenna power⁴ as is necessary to carry on the service for which the station is licensed, on condition that the maximum authorized transmitter-power shall, subject to the

⁴ See § 8.353 (a) (3).

² For information regarding the classification of emissions and the calculation of the bandwidth, reference should be made to Part 2 of this chapter.

³ For definition of the term "emission-bandwidth", see paragraph (c) of § 8.7.

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provisions of paragraph (a) of § 8.110, not be exceeded. Unless the station authorization specifically provides otherwise, the maximum authorized transmitter-power (as defined in paragraph (ii) of § 8.7) shall not exceed the particular power set forth in paragraphs (b) through (h) of this section which is applicable under the controlling factors

designated therein in direct relation to that power.

(b) For ship stations on board passenger vessels of 5000 gross tons and over, the maximum authorized transmitter-power is set forth as follows:

For telegraphy below 25000 kc: 8000 watts (with or without modulation).

For telephony below 25000 kc:

Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter-power in watts (when no modulation is present)			
	2,000-4,000 kc band, except on U. S. inland waters ¹		4,000 to 25,000 kc band, except on U. S. inland waters ¹	2,000 to 25,000 kc band, on U. S. inland waters ¹
	Ship to shore	Ship to ship		
Class C—plate or plate and screen-grid modulated.....	1,000	150	3,000	150
Class C—control, screen, or suppressor-grid modulated.....	2,000	300	6,000	300
Class C—cathode modulated.....	1,600	240	4,800	240
Class B—linear.....	2,000	300	6,000	300
Class BC—high efficiency.....	1,200	180	3,600	180
Other classes.....	As specified in the station authorization			

¹ Means for this purpose the Great Lakes area and the Mississippi River (north of Baton Rouge, La.) and connecting inland waters.

(c) For ship stations on board any category of vessel, other than the class of passenger ship prescribed in paragraph (b) of this section, the maximum authorized transmitter-power is set forth as follows:

For telegraphy below 25000 kc: 2000 watts (with or without modulation).

For telephony below 25000 kc:

Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter-power in watts (when no modulation is present)			
	2,000-4,000 kc band, except on U. S. inland waters ¹		4,000 to 25,000 kc band, except on U. S. inland waters ¹	2,000 to 25,000 kc band, on U. S. inland waters ¹
	Ship to shore	Ship to ship		
Class C—plate or plate and screen-grid modulated.....	400	150	1,000	150
Class C—control, screen, or suppressor-grid modulated.....	800	300	2,000	300
Class C—cathode modulated.....	640	240	1,600	240
Class B—linear.....	800	300	2,000	300
Class BC—high efficiency.....	480	180	1,200	180
Other classes.....	As specified in the station authorization			

¹ Means for this purpose the Great Lakes area and the Mississippi River (north of Baton Rouge, La.) and connecting inland waters.

(d) For ship stations and marine-utility stations using telephony on any frequency assignment within the frequency-band 35 Mc to 44 Mc and employing amplitude modulation (AM):

Class of radio-frequency amplifier used in last radio stage of transmitter	Maximum authorized transmitter-power (when no modulation is present)	
	Ship stations	Marine-utility stations
Class C—plate, or plate and screen-grid modulated.....	100 watts.....	10 watts.....
Class C—control, screen, or suppressor-grid modulated.....	200 watts.....	20 watts.....
Class C—cathode modulated.....	160 watts.....	16 watts.....
Class B—linear.....	200 watts.....	20 watts.....
Class BC—high efficiency.....	120 watts.....	12 watts.....
Other classes.....	As specified in the station authorization	

(e) For ship stations using telephony on any frequency assignment within the frequency-band 35 Mc to 44 Mc or 156.25 Mc to 157.45 Mc and employing frequency modulation (FM), the maximum authorized transmitter-power (with or without modulation) is 100 watts. For marine-utility stations under the condition prescribed in this paragraph for ship stations, the maximum authorized transmitter-power is 10 watts.

(f) For ship stations and marine-utility stations using telephony in Region 1

or 3, by means of amplitude modulation (AM) on any frequency assignment within the frequency-band 156.25 Mc to 157.45 Mc, the maximum authorized transmitter-power is the same as that designated in paragraph (d) of this section for operation within the band 35 Mc to 44 Mc.

(g) For stations on board ship which are authorized to transmit on frequencies above 157.45 Mc, the power authorized to be used shall be specified in the respective station authorization.

(h) (1) For the purpose of assuring adherence to the requirements of this section or the applicable terms of the station authorization, the authorized transmitter-power, with reference to paragraphs (ff) and (ii) of § 8.7, may be computed for electron-tube transmitters by the method set forth in the following paragraphs: *Provided*, That when the particular transmitter is used for telephony by means of amplitude modulation (class A3 emission and secondarily class A2 or special emission for operating signals) the authorized transmitter-power may be measured when modulation is not present.

(2) The authorized transmitter-power shall be the sum of the product(s) obtained by multiplying the indicated anode (plate) voltage, applied to each electron tube of the last radio stage supplying radio-frequency power to the antenna, by the indicated anode (plate) current flowing through each such tube, or shall be the sum of the indicated powers supplied to each such tube.

(3) Indication of the anode (plate) voltage may be accomplished by means of a direct-current type voltmeter (as applicable) or an alternating current type voltmeter of proper frequency range (as applicable), each such instrument having an accuracy and reliability acceptable to the Commission. Where the same voltage is applied to more than one electron tube, indication of this voltage shall be regarded as indication of the voltage applied to each individual electron tube of that particular group.

(4) Indication of the anode (plate) current may be accomplished by means of a direct-current (d'Arsonval galvanometer movement) type ammeter having an accuracy and reliability acceptable to the Commission. Where the anode (plate) current through more than one electron tube flows through a common point in the electrical circuit, indication of the current at this point shall be regarded as indication of the total anode (plate) current flowing through all electron tubes of that particular group.

(5) Indication of the power in watts supplied to the anode (plate) circuit of one or more electron tubes shall be acceptable: *Provided*, A wattmeter properly activated by the form of voltage and current supplied is employed, and has an accuracy and reliability acceptable to the Commission.

(6) When any current, in addition to the anode (plate) current, flows through an ammeter or wattmeter being used for indications in accordance with this paragraph (such as screen-grid current), such current, unless separately indicated or specified by the manufacturer, shall not be deducted from the current measured for the purpose of this paragraph.

§ 8.135 *Suppression of receiver radiation.* (a) Pending final decision by the Commission in Docket 9797 in respect to this paragraph as proposed in that docket, the following provisions shall continue in effect. The use or operation of the following types of receiving equipment is prohibited on board any ship of the United States (other than a ship of less than 1600 gross tons) which departs

from, or has departed from, any harbor or port of the continental United States on or after January 15, 1942, for a voyage in the open sea:

(1) Radio receiving equipment which, when used or operated on any frequency in connection with an actual antenna equivalent in its electrical constants to the average receiving antenna(s) used on shipboard, creates an electromagnetic field of more than 0.1 microvolt per meter at a distance over seawater of more than one nautical mile from the receiver.

(2) Radio receiving equipment which, when operated on any frequency, is capable of delivering more than 400 micromicrowatts of power to an artificial antenna having electrical characteristics designated^{*} by the Commission as equivalent to those of the average receiving antenna(s) used on shipboard. *Provided*, That this section shall not apply to any ship which is navigated solely on the Great Lakes, or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States; nor to radio receiving equipment which is used solely in connection with a loop antenna, upon the condition that exemplary compliance with the limitation of subparagraph (1) is satisfactorily demonstrated to the Commission.

§ 8.136 *Acceptance of transmitters for licensing.* (a) Upon written request therefor made by the manufacturer or applicant for related station authorization, acceptance of a specific and readily identifiable type of radio transmitter as being capable of complying with all requirements of the Commission solely for the purpose of authorizing such transmitter in accordance with the provisions of § 8.21 will be given by the Commission subsequent to a satisfactory showing of compliance made by the applicant. The necessary showing of compliance shall, as a minimum, be in the form of a written statement (together with such supplemental charts, graphs, illustrations, test data, etc., as may be deemed appropriate by the applicant for type acceptance or as may be required by the Commission) over the signature of a competent radio engineer attesting to actual technical performance of the transmitter in accordance with all pertinent rules, regulations, and international agreements which must be met by the class of station for which the transmitter is intended to be licensed.

(b) Request for type-acceptance and showing of compliance pursuant to the provisions of paragraph (a) shall be submitted in duplicate to the Commission at Washington 25, D. C. One copy of such showing of compliance shall be signed under oath or affirmation by the engineer who conducted or supervised the related

technical performance of the particular type of transmitter for the purposes of securing type-acceptance by the Commission.

(c) In the event the written showing of compliance prescribed by paragraphs (a) and (b) of this section is deemed by the Commission to not furnish all information or data which it requires for the purpose of type-acceptance of a particular type of radio transmitter, the Commission may supplementally require the applicant for such type-acceptance to demonstrate by actual operation of the involved equipment in the presence of one or more engineers of the Commission that the same will, in fact, comply with all pertinent rules, regulations, and international agreements. In the event the showing of compliance is finally adjudged by the Commission to be unsatisfactory for the purpose of acceptance for licensing of the particular type of transmitter, type-acceptance will not be given and that type of transmitter will not be licensed for the involved class of station.

§ 8.137 *Special requirements for radio-telephone transmitters.* (a) Except as provided otherwise in paragraph (b) of this section, and except for transmitters authorized solely for developmental stations, each radiotelephone transmitter authorized in a ship station license or a marine-utility station license granted, modified, or renewed by the Commission after July 1, 1951, for use and operation at frequencies above 30 Mc., and all radiotelephone transmitters authorized in a ship station license or marine-utility station license granted, modified, or renewed after January 1, 1960, shall be used with a device that will automatically prevent modulation in excess of 100 per cent. This requirement, however, shall not apply to transmitters incapable of a plate input power exceeding three watts which are authorized for marine-utility stations and other stations of portable nature.

(b) Each radiotelephone transmitter of a ship station or a marine-utility station shall be type accepted by the Commission prior to its operation by any unlicensed person pursuant to the provisions of paragraph (a) of § 8.155. In addition to complying with all other applicable rules and regulations such a transmitter shall meet the following requirements:

(1) Operation of the transmitter shall require only the use of simple external switching devices excluding all manual adjustment of radio frequency determining elements;

(2) The required radio frequency stability of the transmitter must be maintained (at all times during such operation by an unlicensed person) by the transmitter itself;

(3) None of the operations necessary to be performed during the course of normal rendition of service to the station shall be capable of causing any radiation of emission on an unauthorized frequency; and

(4) The transmitter shall be used with a device that will automatically prevent modulation in excess of 100 percent.

(c) (1) Each radiotelephone transmitter authorized in a ship station li-

cense or a marine-utility station license granted, modified, or renewed by the Commission after July 1, 1951, for use and operation at frequencies above 30 Mc (other than transmitters authorized solely for developmental stations), must be a type which is acceptable to the Commission pursuant to the provisions of § 8.136.

(2) Before being finally considered for type-acceptance such transmitters shall, in addition to meeting all other applicable requirements, comply with the following limitations and operating conditions:

(i) When radiating class F1, F2, or F3 emission on each marine radio-channel within the frequency-band 35 Mc to 44 Mc, or within the frequency-band 156.25 Mc to 157.45 Mc, with 100 percent^{*} modulation applied, the frequency deviation[†] shall not exceed 15 kc.

(ii) When radiating class F1, F2, or F3 emission on each radio-channel within the frequency-band 35 Mc to 44 Mc, or within the frequency-band 156.25 Mc to 157.45 Mc, any emission appearing on any radio frequency removed from the carrier frequency by not less than 20 kc nor more than 40 kc shall be attenuated 25 decibels or more below the intensity of the unmodulated carrier.

(iii) Any spurious or harmonic emission appearing on any frequency removed from the carrier frequency by not less than 40 kc, shall be attenuated below the intensity of the unmodulated carrier by not less than the amount specified herewith:

Maximum authorized transmitter-power as specifically defined in § 8.7 (ii):	Attenuation (decibels)
3 watts or less.....	40
Over 3 watts and including 150 watts.....	60
Over 150 watts and including 600 watts.....	70
Over 600 watts.....	80

§ 8.138 *Special requirements for ship-radar transmitters.* (a) Each radar transmitter authorized in any ship-radar station license granted, modified or renewed by the Commission after July 1, 1950 (other than licenses for developmental stations), must be type-approved by the Commission.

In addition to meeting all other applicable requirements such transmitters shall comply with the limitations and conditions set forth in the following paragraphs:

(b) (1) The design and construction of the radar transmitter shall be such that, when properly installed, its use will not produce harmful interference to any other radiolocation service or any maritime mobile service;

(2) The radar transmitter shall not have means available for any external adjustment(s) which can result in a deviation from the terms of the station authorization or any deviation from the applicable technical requirements for ship-radar stations stipulated in this part;

(3) The provisions of § 8.136 governing the procedure to be followed for the purpose of obtaining type-acceptance

^{*} See paragraphs (v), (w), and (aa) of § 8.7.

[†] See also § 8.155.

^{*} An artificial antenna having a capacitance of 750 micromicrofarads and an effective resistance of 4 ohms at a frequency of 500 kilocycles shall be employed for the measurement of the power output of receiving equipment at frequencies between 350 kilocycles and 515 kilocycles. The constants of artificial antennas for tests at other frequencies will be supplied upon request to the Commission.

of radio transmitters shall be applicable to radar transmitters for the purpose of requesting and obtaining type approval thereof as required by paragraph (a) of this section.

SUBPART F—OPERATOR REQUIREMENTS

§ 8.151 *Authorized operator required.* (a) Except as otherwise provided in § 8.155, the actual operation of all transmitting apparatus in any radio station in the maritime mobile or maritime radiolocation service on board a ship of the United States shall be carried on only by a person holding an operator license issued by the Commission in accordance with Part 13 of this chapter.

(b) When the station is a public ship station used for telephony, the person actually operating the station shall, if authorized by the station licensee or the master (acting in this respect as the station licensee's agent), and subject to the priority of communication set forth in § 8.177, permit any person to speak over the station microphone: *Provided*, That such person actually operating the station shall continue to exercise his control so as to insure the continued proper operation of the station.

(c) When the station is a limited ship station used for telephony, the person actually operating the station may, if authorized by the station licensee or the master (acting in this respect as the station licensee's agent), and subject to the priority of the communications set forth in § 8.177, permit any person to speak over the station microphone: *Provided*, That such person actually operating the station shall continue to exercise his control so as to insure the continued proper operation of the station.

(d) For the purpose of paragraphs (b) and (c) of this section, any microphone, without regard to its location on board ship, may be construed to be the station microphone when it is electrically connected to the modulating system of the radiotelephone transmitting apparatus.

§ 8.152 *Operator required by statute for safety.* (a) The radio installation required by Part II of Title III of the Communications Act or by the Safety Convention, for purposes of safety on board a ship of the United States, shall be in charge of and shall be operated only by one or more qualified operators¹ who shall be subject to the lawful authority of the master.

(b) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radio installation and not exempted therefrom by the Commission, which is not fitted with an auto-alarm, and each passenger ship required by that statutory provision to be fitted with a radio installation and not exempted therefrom by the Commission, shall, for safety purposes, carry at least two qualified operators.

¹ A qualified operator for the purpose of this section on a ship of the United States is a person holding a radio operator's license of the proper class, as prescribed and issued by the Commission. See Part 13 of this chapter and/or any applicable orders promulgated by the Commission.

(c) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radio installation and not exempted therefrom by the Commission, which is fitted with an auto-alarm in accordance with that statutory provision, shall, for safety purposes, carry at least one qualified operator who shall have had at least six months previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States.

§ 8.153 *Operator required by Safety Convention.* (a) Each ship of the United States which is not subject to Part II of Title III of the Communications Act but which is required by the radio provisions of the Safety Convention² to be fitted with a radio installation, which has not been exempted therefrom by the Commission, shall, for safety purposes, carry at least one qualified operator. If not fitted with an auto-alarm in proper operating condition, at least two qualified operators shall be carried for this purpose by—

(1) A passenger ship of the United States;

(2) A cargo ship of the United States of more than 5500 tons gross tonnage.

§ 8.154 *Location of authorized operator.* (a) Whenever the transmitting apparatus of a station in the maritime mobile service subject to this part is being used or operated, and the provisions of section 318 of the Communications Act (insofar as such provisions require the actual operation of such apparatus only by a person holding an operator's license of the proper class issued by the Commission) are not waived by the Commission, at least one person holding an operator license of the proper class as prescribed in Part 13 of this chapter shall be on duty at the place where such transmitting apparatus is located, and, subject to the lawful authority of the master, shall be in charge of the station: *Provided*, That in lieu of the transmitter location, such operator may be on duty at a different location on the ship when—

(1) Such apparatus is installed and protected so that it is not accessible to and may not be placed in an operating condition by other than duly authorized persons; and

(2) The transmitting and associated receiving apparatus can be operated from such other location in a manner which will fully comply with all applicable rules of the Commission (in particular § 8.104) and the terms of the station license; and without any delay in normal operation being introduced by such arrangement.

² As prescribed by the Safety Convention, London, 1929, this requirement as well as others are subject to change when the Safety Convention, London, 1948, becomes effective.

³ A qualified operator for this purpose is a person holding a certificate complying with the provisions of the International Radio Regulations (see Article 24 of the Radio Regulations of Atlantic City, 1947): *Provided*, however, That the operation of transmitting apparatus in all ship stations of the United States is subject to the provisions of § 8.151.

§ 8.155 *Waivers of operator license—*

(a) *For VHF telephony.* Subject to the conditions hereinafter stated, the provisions contained in section 318 of the Communications Act are waived, insofar as such provisions require any person to hold an operator's license in order to operate, during the course of normal rendition of service, any ship station (including developmental ship stations) or marine-utility station on board ship, in the maritime mobile service, when such station is authorized to use telephony only and further is authorized to be operated exclusively on one or more radio-channels above 30 Mc: *Provided*:

(1) The person who operates the transmitting equipment is the station licensee or is authorized by the station licensee to do so, and the use of the station during such operation is subject to the lawful direction and authority of the person who, at the time, occupies the position of the master of the ship on which the station is located;

(2) The station uses one or more of the following classes of emission only: A3 or F3 for telephony; and on the same radio-channels as are authorized for telephony A0, A2, F0, F2 solely for transmitting by automatic means attention-signals, signals for actuating selective-calling devices, for brief testing of the authorized apparatus, or station identification, or signals in an emergency involving safety;

(3) The station is authorized to use transmitting equipment only of a type which is acceptable to the Commission for operation in this service by unlicensed persons in accordance with this paragraph;

(4) The transmitting equipment operated by an unlicensed person in accordance with this paragraph is not required on board the ship for safety purposes by any statutory provisions or by any international agreement or treaty in force;

(5) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of the station that may affect its proper operation shall be made by or under the immediate supervision and responsibility of a person holding an operator license of the proper class for this purpose as prescribed in Part 13 of the Commission's rules;

(6) Subsequent to any transmitter adjustments made in accordance with subparagraph (5) of this paragraph, and at all other times, the station licensee shall be responsible for determining that the transmitting equipment continues to meet the conditions established by the Commission relative to acceptance of the particular type of equipment for the purpose of operation by unlicensed persons;

(7) The station licensee or the person(s) authorized by the licensee to operate the station shall, in lieu of a licensed operator, comply with the provisions of § 8.154 as though he were a licensed operator;

(8) Nothing contained in this paragraph shall be construed to change or diminish in any respect the responsibility of the station licensee for having and maintaining control of the station or for

proper functioning and operation of the station in accordance with law;

(9) No unlicensed person, authorized as provided by this paragraph to operate a station, may lawfully perform any act in relation to such station that he could not lawfully perform if he were acting under the authority of a radio operator license issued in his behalf by the Commission.

(b) For ship-radar. (1) Effective on and after January 2, 1951, no radio operator license is required for the operation on board ship, during the course of normal rendition of service, of ship-radar stations licensed in the radiolocation¹ service: *Provided*, That the following conditions are met or provided for by the licensee of the station:

(i) The radar equipment shall employ as its frequency determining element a non-tunable, pulse-type magnetron;

(ii) The radar equipment shall be capable of being operated during the course of normal rendition of service in accordance with the radio law and the rules and regulations of the Commission by means of exclusively external controls, and

(iii) Operation during the course of normal rendition of service pursuant to this subparagraph (1), must be performed exclusively by the master of the radar-equipped ship or by one or more other persons responsible to him and authorized by him to do so.

(2) All adjustments or tests during or coincident with the installation, servicing, or maintenance of the equipment while it is radiating energy must be performed by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, radiotelephone or radiotelegraph, containing a ship-radar endorsement, who shall be responsible for the proper functioning of the equipment in accordance with the radio law and the Commission's rules and regulations and for the avoidance and prevention of harmful interference from improper transmitter external effects: *Provided, however*, That nothing in this subparagraph shall be construed to prevent persons not holding such licenses or not holding such licenses so endorsed from making replacements of fuses or of receiving-type tubes.

(3) Nothing in this subparagraph shall be construed to change or diminish in any respect the responsibility of any ship radar station licensee for having and maintaining control over the station licensed to him, or for the proper functioning and operation of such station in accordance with the terms of the station license.

§ 8.156 *Posting of operator license.*² When a licensed operator is required for the operation of a station subject to this part, the original license of each such operator while he is employed or designated as radio operator of the station shall be posted in a conspicuous place at the principal location on board ship at

¹ Ship-radar stations heretofore licensed in the ship service are construed to be licensed in the maritime radiolocation service (including the maritime radionavigation service).

² See also §§ 13.72 and 13.74 of this chapter.

which the station is operated: *Provided*, That the foregoing requirement shall not apply in the case of stations of a portable nature, including marine-utility stations, upon the express condition that the licensed radio operator engaged in operating the station shall have on his person either his required operator license or a duly issued verification card (FCC Form 758-F) attesting to the existence of that license.

§ 8.157 *Adjustment or test of equipment.* Notwithstanding any other provisions of this subpart (except § 8.155 (b) (2) which specifically covers ship radar stations), all adjustments or tests of radio transmitting apparatus in any station subject to this part during or coincident with the installation, servicing, or maintenance of such apparatus which may affect the proper operation of such station, must be performed by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph as may be appropriate for the class of station involved, who shall be responsible for the proper functioning of the station equipment.

SUBPART G—GENERAL OPERATING REQUIREMENTS

§ 8.171 *International regulations applicable.* In addition to being regulated by applicable rules of this part, the use and operation of stations subject to this part shall be governed by applicable provisions of the International Radio Regulations and the applicable radio provisions of all other international agreements in force to which the United States is a party.

§ 8.172 *Authority in event of distress.* No provision of the International Radio Regulations shall prevent a ship in distress from using any means of telecommunication available to it for drawing attention, signalling its position, and obtaining help. A distress call and message, however, shall be transmitted only on the authority of the master of, or the person responsible for, the ship from which this call and message are transmitted. No person shall, by means of any station subject to this part, knowingly transmit, or cause to be transmitted, any false or fraudulent signal of distress or communications relating thereto.

§ 8.173 *Authority of the master.* Except as may be regulated by law or international agreement or by the rules of the Commission, the radio service of each station on board ship shall at all times be under the supreme control of the master. However, during any period in which the Department of Defense lawfully may exercise and is in fact lawfully exercising emergency controls over United States merchant shipping, no provisions of the Commission's rules and regulations shall prevent the master of any ship of the United States from taking any action whatsoever in regard to the radio installation, the operators, the transmission and receipt of messages, and the radio service of the ship whenever in his discretion such action

is necessary to carry out instructions of the Department of Defense.

§ 8.174 *Secrecy of communication.* The master or the person responsible, as well as all persons who may have knowledge of the text or even of the existence of the radio communications transmitted or received by a station on board ship or of any information whatever obtained by means of the radiocommunication service of such station, shall be under the obligation of observing and insuring the secrecy of communications to the extent required by the Communications Act and the International Radio Regulations.¹

§ 8.175 *Intercommunication in mobile service.* Each ship station in the maritime mobile service at sea shall, within the scope of its normal operations, be bound to exchange radio communication or signals with any other ship station or aircraft station in the maritime mobile service at sea or with any public coast station in the maritime mobile service: *Provided*, That such exchange of radio communication shall be without distinction as to radio systems or instruments adopted by each station.

§ 8.176 *Priority of communications to be observed.* Ship stations in the maritime mobile service shall observe at all times the priority of communications set forth in § 8.177; in particular, all such stations shall give absolute priority to radio communications or signals relating to any ship or aircraft in distress; shall, when any distress signal or communication is anticipated or intercepted, cease all transmission on frequencies which may interfere with any station hearing such radio communication or signal of distress except when engaged in answering or aiding the ship or aircraft in distress, and shall assist the vessel or aircraft in distress, so far as possible, by complying with its instructions.

§ 8.177 *Order of priority of communications.* (a) The order of priority of radiotelegraph communications in the maritime mobile service on any frequency used for this service shall be as follows:

(1) Distress calls (including the international distress signal SOS), international automatic-alarm signals for distress purposes,² distress messages, and distress traffic.

(2) Communications preceded by the international radiotelegraph urgency signal "XXX".

(3) Communications preceded by the international radiotelegraph safety signal "TTT".

(4) Communications relative to radio direction-finding bearings.

(5) Communications relative to the navigation and safe movement of aircraft.

¹ See secs. 501, 502, and 605 of the Communications Act; also Article 21 of the International Radio Regulations, Atlantic City, 1947.

² The international auto-alarm signal intended for use primarily in radiotelegraphy consists of a series of twelve dashes sent in one minute, the duration of each dash being four seconds and the duration of the interval between two consecutive dashes being one second.

(6) Communications relative to the navigation, movements, and needs of ships; including weather observation messages destined for an official meteorological service.

(7) Government communications for which priority right has been claimed.

(8) Service communications relating to the working of the radio-communication service or to communications previously transmitted.

(9) All other communications.

(b) The order of priority of radiotelephone communications in the maritime mobile service on any frequency used for this service shall be as follows:

(1) Distress calls (including the international telephone distress signal "Mayday" and the telegraphic distress signal "SOS" transmitted by either telegraphy or telephony), distress messages, and distress traffic.

(2) Communications preceded by the international radiotelephone urgency signal "Pan", or known to the station licensee or his agent to consist of one or more urgent messages concerning the safety of a ship, aircraft, or other mobile unit or of some person on board or within sight of the ship, aircraft, or mobile unit.

(3) Communications preceded by the international radiotelephone safety signal "Securite", or known to the station licensee or his agent to consist of one or more messages concerning the safety of navigation or important meteorological warnings.

(4) Communications known to the station licensee or his agent to consist of one or more messages relative to the navigation, movements, and needs of ships; including weather observation messages destined for an official meteorological service.

(5) Government communications for which priority right has been claimed.

(6) All other communications.

§ 8.178 Unauthorized transmissions. Stations operating in the maritime mobile service shall not engage in radio-communication which is superfluous or unnecessary in this service. Except in an emergency which requires otherwise, the transmission by ship stations of signals or communications not addressed to an authorized station or stations in the maritime mobile service is prohibited unless radiotelegraphy is used and the transmission preceded by CQ or CP in accordance with the International Radio Regulations, is intended to be intercepted by authorized stations of the maritime mobile service.

§ 8.179 Control by coast or government station. When communicating with a coast station or any government station in the maritime mobile service, ship stations shall, except when transmitting distress signals or controlling distress traffic, comply with instructions given by the coast station or government station relative to the order and time of transmission, to the choice of authorized frequency, to the suspension of communication, and to the permissible type of message traffic that may be transmitted or received by the particular coast station or government station. This provision, however, does not apply

in the event of distress, either actual or impending.

§ 8.180 Cooperative use of frequency assignments. Unless provided otherwise in this part, or in the particular station authorization, each radio-channel authorized for use by a station on board ship subject to this part is available for such use on a shared basis only and shall not be construed as available for the exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective frequency assignment in order to minimize interference and obtain the most effective use of the authorized radio-channels.

§ 8.181 Prevention of interference.

(a) From the standpoint of interference the operation of a ship radio station (including receiving equipment, auto-alarm, and direction-finder) required by law to be installed on board a vessel for safety purposes, shall have priority over the operation of any other radio apparatus on board the same vessel.

(b) Before commencing transmission (other than signals of distress) a ship station shall, insofar as is practicable, make sure that it will not cause interference to communications in the maritime mobile service being carried on within its range. For this purpose, the operator attending the station shall, before commencing transmission, use the necessary receiving installation to listen on the appropriate frequency or frequencies. If interference is likely, the station shall wait until the existing communications, which it may disturb, have been concluded; with due regard, nevertheless, for the priority of communications designated in § 8.177.

(c) Whenever a radiocommunication in the maritime mobile service is already in progress between two mobile stations or between a mobile station and a coast station and it appears to be interfered with by a subsequent transmission from another mobile station, the latter must cease transmitting at the first request of either of the other two, except as priority may be otherwise determined by § 8.177. The station requesting this cessation must indicate the approximate length of the wait imposed upon the mobile station whose transmission is suspended.

(d) Except in cases of distress, communications between ship stations or between ship and aircraft stations must not interfere with the work of public coast stations. When this work is thus interfered with, the ship or aircraft station which causes it must stop transmitting or change frequency upon the first request of the coast station concerned.

(e) Ship stations when operating on a frequency below 3500 kilocycles or above 30 Mc shall not carry on, or attempt to carry on, communication with any station which, under the currently prevailing conditions of transmission or reception, is not within reliable communication range of the ship station: *Provided*, That this provision shall not apply in event of distress, either actual or impending.

§ 8.182 Suspension of transmission. Transmission shall be suspended immediately upon detection by the station or operator licensee, or upon notification by the Commission, of a deviation from the technical requirements of the station authorization, and shall remain suspended until such deviation is corrected, except for transmission concerning the immediate safety of life or property, in which case transmission shall be suspended as soon as the emergency is terminated.

§ 8.183 Hours of service of ship stations. (a) Ship stations whose service is not continuous may not close before:

(1) Finishing all operations resulting from a distress call, or urgency or safety signal;

(2) Exchanging, so far as practicable and within the scope of their normal operation, all traffic originating in or destined for public coast stations situated within their range and mobile stations which, being within their range, have indicated their presence before the actual cessation of communication.

§ 8.184 Maintenance of station log. (a) Each station on board ship subject to this part which is required, under the provisions of this part pertaining to the particular class of station, to keep a radio station log, shall in addition, comply with the applicable provisions of paragraphs (b) and (c) of this section; the station licensee and the licensed radio operator (when a licensed radio operator is required) in charge of the station shall be responsible for compliance with this section.

(b) The log shall be kept in an orderly manner, in useable form, and in such detail that the information required for the particular class of station concerned is readily available. Key letters or abbreviations may be used if their proper meaning or explanation is contained elsewhere in the same log.

(c) The station log or any portion thereof shall not be erased, obliterated, or wilfully destroyed within the period of retention required by § 8.115. However, during this period any necessary correction may be made of such log but only by the person originating the entry and that person shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

SUBPART H—WATCHES AND AUTO-ALARMS FOR SAFETY PURPOSES

§ 8.201 Watch required by International Radio Regulations. All ship stations employing telegraphy (either compulsorily or voluntarily provided with a radiotelegraph installation) and normally keeping watch on frequencies in the authorized bands between 365 and 515 kc shall, during their hours of service, take the necessary measures to insure an efficient watch by a duly licensed radiotelegraph operator on the international distress frequency 500 kc for three minutes twice each hour, beginning at x h 15 and x h 45, Greenwich mean time (GMT). For this purpose, either a head receiver or a loudspeaker may be used, on condition that use of the loudspeaker is no less effective than use of the head

receiver. While maintaining this watch, the operator shall not use or operate any radio equipment (such as, for example, broadcast receivers, or amateur transmitters or receivers) not actually required for maritime mobile service.

§ 8.202 Watch required by Communications Act. (a) Each ship of the United States required by Part II of Title III of the Communications Act and the rules of the Commission to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission shall, while being navigated outside a harbor or port, keep a continuous and efficient watch on the international distress frequency 500 kc by means of qualified radiotelegraph operators: *Provided, however,* That in lieu thereof on a cargo ship fitted with an auto-alarm in proper operating condition, a watch of at least eight hours per day,¹ in the aggregate, shall be maintained as herein prescribed by means of a qualified radiotelegraph operator: *Provided further,* That in either instance such operator(s) shall be subject to the conditions and limitations prescribed by § 8.204.

(b) In accordance with the requirement set forth in paragraph (a) of this section for a cargo ship fitted with an auto-alarm in proper operating condition, when such vessel is navigated outside a harbor or port, the watch as prescribed in paragraph (a) shall be maintained by means of a qualified radiotelegraph operator for at least one-third of each day, or portion thereof, during the period of time the vessel is so navigated.

§ 8.203 Watch required by Safety Convention. (a) Paragraphs (b) through (f) of this section are applicable to ships of the United States subject to the radio provisions of the Safety Convention but not at the same time subject to the provisions of Part II of Title III of the Communications Act (for example, certain ships engaged on an international voyage, no part of which is in the open sea).

(b) Each ship of the United States, except cargo ships of 5500 tons gross tonnage or less, required by the Safety Convention to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission shall, if not fitted with an auto-alarm in proper operating condition, while at sea, keep a continuous and efficient watch on the international distress frequency 500 kc by means of qualified radiotelegraph operators.

(c) Each cargo ship of the United States of 5,500 tons gross tonnage or less required by the Safety Convention to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission shall, if not fitted with an auto-alarm in proper operating condition, while at sea, keep an efficient watch on the international distress frequency 500 kc by means of a qualified radiotelegraph operator for at least eight hours per day, in the aggregate.

(d) In keeping the watch prescribed in paragraphs (b) and (c) of this sec-

tion, the operator(s) shall be subject to the conditions and limitations prescribed by § 8.204.

(e) The use of a certified watcher in lieu of a qualified radiotelegraph operator for the purpose of complying with this section is not authorized for ships of the United States.

(f) In accordance with the requirement set forth in paragraph (c) of this section for cargo ships of 5,500 tons gross tonnage or less and not fitted with an auto-alarm in proper operating condition, when such vessel is at sea, the watch as prescribed in paragraph (c) shall be maintained by means of a qualified radiotelegraph operator for at least one-third of each day, or portion thereof, during the period of time the vessel is so navigated.

§ 8.204 Provisions governing safety watch. (a) For the purpose of maintaining the watch prescribed in §§ 8.202 and 8.203, the operator shall use an effectively operating main or emergency radio receiver complying with the applicable requirements of § 8.503 or 8.504, respectively, and either a head receiver or a loudspeaker complying with the applicable requirements of § 8.503 or 8.504, respectively, on condition that use of the loudspeaker is not less effective than use of the head receiver.

(b) While maintaining this watch, the operator shall not use or operate any radio equipment (such as, for example, broadcast receivers or amateur transmitters or receivers) not actually required for maritime mobile service.

(c) During the period of this watch and subject to the provisions of § 8.205, the operator may temporarily interrupt the required listening on the frequency 500 kc while he is transmitting or receiving signals or messages to or from a station operating in the maritime mobile service if it is not possible for the operator to maintain at the same time, by any practicable means, the watch on 500 kc. The provisions of this paragraph shall not relieve the ship station from the obligation of complying with the provisions of § 8.201.

(d) With respect to the provisions of paragraph (c) of this section, the term "by any practicable means" as used in that paragraph shall be construed to include the use of a loudspeaker or a head receiver energized by an additional radio receiver (other than the receiver actually in use for nonwatch purposes) which is adjusted or tuned for effective reception on the radio-channel of which 500 kc is the assigned frequency.

§ 8.205 Compulsory use of auto-alarm.

(a) The auto-alarm, when provided on a ship compulsorily fitted with a radiotelegraph installation for the purpose of compliance with Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, shall be in operation, connected to the main antenna, and adjusted for normal efficiency according to prevailing conditions of radio reception, at all times while the ship is being navigated outside a harbor or port when a qualified operator is not on watch duty.

(b) Unless the use of an auto-alarm, compulsorily provided as specified in

paragraph (a) of this section, is impracticable under the condition hereinafter designated, such auto-alarm shall be in operation, connected to a suitable² antenna, and adjusted for normal efficiency according to prevailing conditions of radio reception, at all times while the ship is being navigated outside a harbor or port, when a qualified operator is on watch duty but the watch is temporarily interrupted (as contemplated under the provisions of paragraph (c) of § 8.204) for an extended period, and it is not possible for such operator to maintain, at the same time by any practicable means, the watch on 500 kc. Nothing contained in this paragraph shall relieve the ship station from the obligation of complying with the provisions of § 8.201.

§ 8.206 Procedure in use of auto-alarm. (a) Paragraphs (b) and (c) of this section shall apply to the use of an auto-alarm which is provided for the purpose of compliance with Part II of Title III of the Communications Act or the radio provisions of the Safety Convention on a ship compulsorily fitted with a radiotelegraph installation under that act or under the radio provisions of that convention.

(b) While the ship is being navigated outside a harbor or port, the auto-alarm shall be tested at least once every 24 hours by means of the testing device supplied as part of the alarm, the timing of the dashes to be made by reference to the second hand of the ship station clock. A test also shall be made to determine that the auto-alarm mechanism is operated in a normal manner by signals from other stations which are received on the frequency 500 kc. A statement that the foregoing requirement has been fulfilled must be inserted in the radio station log daily.³

(c) The qualified operator, when going off watch, shall report to the officer on watch on the bridge whether or not the auto-alarm has been placed in use and adjusted for effective operation as prescribed in paragraph (a) (1) of § 8.205.

SUBPART I—GENERAL PURPOSE WATCHES

§ 8.221 Watch on 500 kc. Ship stations using frequencies in the authorized bands between 365 and 515 kc shall, during their hours of service, remain on watch on the calling frequency 500 kc except when the operator is transmitting on 500 kc, operating the ship station equipment on any other frequency authorized for transmission or reception in the maritime mobile service (including maintenance of the watch on 143 kc as provided by § 8.222) if it is not possible for the operator to maintain at the same time, by any practicable means, the watch for calls on 500 kc. The term "by any practicable means" as used herein shall be construed to include the use of a loudspeaker or a head receiver energized by an additional radio receiver (other than the receiver actually in use for non-watch purposes) which is adjusted or tuned for effective reception

¹For example, a main antenna, an emergency antenna, or an auxiliary antenna (see §§ 8.8 (a), 8.8 (f), and 8.518).

²See subpar. (5) of par. (b) of § 8.330.

³The term "day" for the purposes of this subpart is defined in par. (1) of § 8.2.

on the radio-channel of which 500 kc is the assigned frequency. The provisions of this section, however, shall not relieve the ship from complying with the requirements for a safety watch as prescribed in §§ 8.201, 8.202 and 8.203.

§ 8.222 *Watch on 143 kc.* On condition that compliance with the following requirement shall in no way interrupt or reduce the efficiency of the safety watch prescribed in §§ 8.201, 8.202 and 8.203, each ship station equipped for working by means of class A1 emission on frequencies within the band 100 to 160 kc shall, during its hours of service when not engaged in communication with another station of the maritime mobile service, normally keep watch for calls every hour on the frequency 143 kc for five minutes beginning at x h 35, Greenwich mean time (G. M. T.).

§ 8.223 *Watch on 2182 kc.* Pending Final decision by the Commission in Docket 9797 in respect to this paragraph as proposed in that docket, the following provision shall continue in effect. Each ship station in the Great Lakes area licensed to use telephony on one or more frequencies within the band 2000 kc to 2200 kc shall maintain, during its hours of service, an efficient watch for the reception of class A3 emission (telephony) on the frequency 2182 kc whenever it is not engaged in communication on other frequencies.

SUBPART J—PROCEDURE IN EVENT OF DISTRESS

§ 8.231 *Applicable regulations.* In addition to the governing provisions of the International Radio Regulations¹ applicable to the transmission and interception of distress signals and the handling of distress traffic and the special provisions of §§ 8.61 and 8.172, mobile stations which are subject to this part shall, in cases of distress, be governed by the following sections of this subpart.

§ 8.232 *Radio-channels for distress.* (a) In case of distress in the maritime service, the frequency to be used shall be the international distress frequency 500 kc² with maximum power obtainable; the class of emission to be used if possible shall be A2. Stations which cannot transmit on 500 kc² or use A2 emission shall, if possible use their normal calling frequency and normal class of emission with maximum power obtainable.

(b) Until such time as the frequency 2182 kc² is effectively guarded for the reception of distress calls³ mobile stations in regions of the United States (other than the Great Lakes region) not capable of using 500 kc but equipped to use telephony on medium frequencies may, in case of distress only, communicate with stations of the United States Coast Guard on the frequency 2670 kc.⁴ In the Great Lakes region, the frequency

2182 kc² should be used at any time for radiotelephone distress calls in lieu of the frequency 2670 kc.

§ 8.233 *Form of distress call.* (a) The distress call transmitted by radiotelegraphy comprises:

(1) The international distress signal ... — — — — — formed as a single signal in which the dashes must be emphasized so as to be distinguished clearly from the dots (this signal in each instance is transmitted 3 times);

(2) The signal "de"; and

(3) The call sign of the mobile station in distress (transmitted 3 times in each instance).

(b) (1) The distress call, when transmitted by radiotelephony, is generally preceded by the signal ... — — — — — produced by a whistle or any other suitable means.

(2) The distress call, when transmitted by radiotelephony, comprises the international distress signal "Mayday" (pronounced as the French expression "m'aider") spoken three times; the words "This Is," followed by the identification of the mobile station in distress, the whole repeated three times in each instance.

§ 8.234 *Radiotelegraph alarm signal.* The distress call, when transmitted by radiotelegraphy on the frequency 500 kc, should, if possible, be preceded by the international alarm signal transmitted by means of class A2 emission on 500 kc. This alarm signal consists of a series of 12 dashes transmitted in one minute, the duration of each dash being 4 seconds and the duration of the interval between 2 consecutive dashes being one second. The distress signal (... — — — ...) shall be transmitted 3 times immediately after the alarm signal, in order to operate such automatic apparatus as may be designed to be actuated by the normal distress signal on 500 kc. When circumstances permit, an interval of 2 minutes shall be observed after transmission of the alarm signal and distress signal, before transmitting the distress message on 500 kc, to allow time for operators warned by these signals to go on watch.

§ 8.235 *Distress message.* (a) The distress call, must be followed, as soon as possible, by the distress message which comprises:

(1) The distress call;

(2) The name of the mobile station in distress;

(3) The particulars of its position;

(4) The nature of the distress;

(5) The kind of assistance desired; and

(6) Any other information which might facilitate rescue.

(b) When telegraphy is used, the distress message shall be transmitted by means of the International Morse Code at a speed not exceeding 16 words per minute nor less than 8 words per minute.

(c) Where no reply to the distress signals or distress message has been received, these signals or this message shall be repeated at intervals (in radiotelegraphy especially during the 500 kc international silent periods), until a reply is received.

(d) When the mobile station in distress receives no answer to a distress message transmitted on a distress frequency, the message may be repeated on any other available frequency on which attention might be attracted.

§ 8.236 *Transmission for radiolocation.* After the transmission of its distress message, a mobile station at sea when equipped for telegraphy shall when possible transmit a signal in the form of 2 telegraphic dashes of approximately 10 seconds duration each, followed by its call sign, to permit radio direction-finding stations (or other stations equipped for radiolocation) to determine its position. This transmission may be repeated by the mobile station, subject to the provisions of § 8.240, whenever it is requested to do so by other stations endeavoring to determine its position.

§ 8.237 *Acknowledgment of distress message.* Any station in the maritime service which receives a distress message relative to a vessel, aircraft, or other unit which is, beyond any possible doubt, in the vicinity of that station, shall, when it has appropriate transmitting apparatus available, immediately acknowledge receipt. If it appears that the vessel, aircraft, or other unit in distress is not in its vicinity, a short interval of time shall elapse before the station acknowledges receipt of the distress message, in order to permit stations that may be nearer to the location of the distress to reply and acknowledge receipt without interference. All stations in the maritime service which hear a distress signal or message must cease immediately any transmission capable of interfering with the distress signal or message and shall listen on the frequency used for the distress signal and message.

§ 8.238 *Form of acknowledgment by telegraphy.* (a) The acknowledgment of receipt of a distress signal or message is transmitted, when telegraphy is used, in the following form:

(1) Call sign of the mobile station in distress (transmitted 3 times);

(2) The signal "de";

(3) Call sign of the station acknowledging receipt (transmitted 3 times);

(4) The signal "RRR"; and

(5) The distress signal.

§ 8.239 *Information from acknowledging stations.* (a) Every mobile station which acknowledges receipt of a distress signal or message must, on the order of the master or person responsible for the ship, aircraft or other vehicle carrying the mobile station, transmit in message form, as soon as possible, the following information in the order shown:

(1) Its name;

(2) Its position;

(3) The course and speed at which it is proceeding towards the vessel, aircraft, or other unit in distress; and

(4) Estimated time of arrival at the scene of distress.

(b) Before transmitting this message, the station must insure that it will not interfere with the transmissions of other stations which are better situated to

¹ See Article 37 of the International Radio Regulations, Atlantic City, 1947.

² This frequency corresponds to the carrier frequency or (when a carrier is not present) the frequency in the center of the emission-bandwidth.

³ See §§ 8.106, 8.223, and 8.352.

render immediate assistance to the vessel, aircraft, or other unit in distress.

§ 8.240 *Control of distress traffic.* (a) The control of distress traffic is the responsibility of the mobile station in distress, or the station which has transmitted the distress call. These stations may, however, delegate the control of the distress traffic to another station.

(b) When any station has assumed control of distress traffic, it shall be responsible for maintaining silence on the distress frequency, or the frequency being used for distress traffic, for all emissions except distress signals and distress traffic, and for clearing the distress frequency when the distress traffic has ceased.

(c) The station in distress or the station in control of the distress traffic may impose silence either on all stations of the mobile service in the area or on any station which interferes with the distress traffic. In telegraphy, the service abbreviation "QRT" followed by the distress signal (... --- ...) is used to impose silence for this purpose.

(d) Any station engaging in radiocommunication with the mobile station in distress or with the station in control of the distress traffic may impose silence on any station which interferes with distress traffic. In telegraphy, this is indicated by using the signal "AS" (... --- ...) followed by the word "distress" and the call sign of the station imposing silence.

(e) The use of the radiotelegraph service abbreviation "QRT" followed by the distress signal (... --- ...) must be reserved, as far as possible, for the mobile station in distress and for the station controlling distress traffic.

(f) Any station which has been notified to cease transmission in connection with a situation of distress shall not resume transmission on any frequency which may cause interference to distress signals or traffic until notified by the station in control of the distress traffic that the distress traffic has ceased and transmission may be resumed, or until notified by the station issuing the original notice that transmission from the station in question will not interfere with the distress signals or traffic.

§ 8.241 *Supplementary transmissions.* (a) A mobile station located in the general vicinity of the vessel, aircraft, or other unit in distress shall, if possible and when deemed appropriate, upon authorization of the master or person responsible for the station, transmit the radiotelegraph alarm signal on the frequency 500 kc using the maximum available power and class A2 emission, when—

(1) A distress call has been transmitted and was not preceded by the alarm signal; or

(2) Upon audible reception of an alarm signal which appears to be ineffective by reason of improper timing, improper class of emission, insufficient signal strength, interference, or excessive deviation from the frequency 500 kc.

(b) When a mobile station has heard a distress call or distress message for which acknowledgment of receipt has not been given promptly, and when the intercepting station itself is not in a position to render assistance, it shall,

subject to the authority of the master, make every effort possible to attract the attention of any station in the maritime service which appears to be in a position to render assistance. For this purpose, transmission of the distress call and distress message may be repeated, if possible on the frequency 500 kc using the maximum available power and if possible class A2 emission, and/or on such other frequency and with such other class of emission as may be deemed necessary or helpful. At the same time all necessary steps shall be taken to notify the authorities who may be able to intervene usefully.

(c) A mobile station which repeats a distress call or distress message shall follow it by the words "transmitted for (insert identity of mobile craft in distress) by", and thereafter its own call sign transmitted 3 times. In radiotelegraphy, the repetition of the distress call or distress message on 500 kc shall, when circumstances permit, be preceded by transmission of the 500 kc international alarm signal followed by an interval of 2 minutes.

SUBPART K—FOREIGN SHIP STATIONS IN UNITED STATES WATERS

§ 8.261 *Inspection of station.* (a) Pursuant to section 303 (n) of the Communications Act, and subject to the provisions of Article 23 of the International Radio Regulations, Atlantic City, 1947, and Articles 53, 54 and 55 of the Safety Convention, London, 1929, the radio installation on board any foreign ship within the territorial jurisdiction of the United States, which installation is subject to the provisions of any Act, treaty, or convention binding on the United States, shall be available, at any reasonable time in any harbor, port, or place in the United States, for inspection by duly authorized representatives of the Commission at such frequent intervals as within the discretion of the Commission will insure compliance with applicable rules, regulations, laws, and treaties.

§ 8.262 *Installation for safety purposes.* (a) The provisions of Part II of Title III of the Communications Act, insofar as such provisions require certain radio apparatus in operating condition and one or more qualified¹ operators on board a ship which leaves or attempts to leave any harbor or port of the United States for a voyage in the open sea, apply to a ship of any foreign country except—

(1) A cargo ship of less than 1600 gross tons;

(2) A ship of war;

(3) A ship belonging to a country which is a party to the Safety Convention and which ship carries a valid certificate exempting said ship from the radio provisions of that Convention, or which ship conforms to the radio requirements of such Convention or Regulations and has on board a valid certificate to that effect;

¹ For this purpose, a qualified operator is defined by the Communications Act to be "a person holding a certificate as such complying with the provisions of the General Radio Regulations annexed to the International Telecommunications Convention in force, or complying with an agreement or treaty between the United States and the country to which the ship belongs."

(4) A yacht of less than 600 gross tons not subject to the radio provisions of the Safety Convention;

(5) A vessel in tow; and

(6) A vessel leaving or attempting to leave any harbor or port of the United States for a voyage solely on the Great Lakes, or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States or navigating solely on any of these waters.

§ 8.263 *Limitations on transmission.*

(a) Sections 301 and 318 of the Communications Act, relative to station licenses and operator licenses, respectively, are not applicable to any person sending radiocommunications or signals on a foreign ship while the same is within the jurisdiction of the United States; however, such communications or signals shall be transmitted only in accordance with applicable rules of the Commission intended to prevent interference including, among others, the following subparagraphs:

(1) The frequency or frequencies and the class or classes of emission used shall be available for the operation being conducted pursuant to the allocation of frequencies to radio services and the use of classes of emission established by the International Radio Regulations and pursuant to the terms of all other applicable international treaties and agreements to which the United States is a party;

(2) The operation of the radio apparatus shall not cause interference with the normal communications of other radio services, and only the minimum power necessary for effective communication shall be used;

(3) The station shall comply with the applicable provisions of the International Radio Regulations and other applicable international treaties and agreements to which the United States is a party;

(4) The operation of transmitting apparatus employing Class B emission is prohibited in any harbor or port of the United States except for emergency communication or for necessary tests of brief duration.

(b) Any transmission by a station on board a foreign man-of-war shall, in addition to the provisions of paragraph (a) of this section, be governed also by the following provisions:

(1) Transmission by radio from any foreign man-of-war while the same is within the territorial waters of the United States is prohibited unless authorized by appropriate United States authorities and carried on in conformity with the provisions of paragraph (a) of this section. Normally, a request from a foreign man-of-war to use its radio transmitting apparatus while in United States ports and territorial waters shall be made to one of the United States naval district commandants² or, after

² The headquarters of District Commandants concerned are located at Boston, New York, Philadelphia, Norfolk, Charleston, South Carolina; San Diego, San Francisco, Seattle; Pearl Harbor, Territory of Hawaii; and Balboa, Canal Zone. In addition to having senior naval officers stationed at these places, the Navy has officers performing various duties at practically all other important United States ports.

arrival in port, to the senior United States Navy Officer present. When a Navy Officer is not present, request shall be made to the port authorities, or to the United States Navy at Washington, D. C.

SUBPART L—MESSAGE CHARGES

§ 8.271 *Distress messages.* No charge shall be made by any ship or station in the mobile service of the United States for the transmission of distress messages and replies thereto in connection with situations involving the safety of life and property at sea.

§ 8.272 *Danger messages.* No charge shall be made by any ship station or other station in the maritime mobile service of the United States for the transmission, receipt, or relay of the information concerning dangers to navigation designated in § 8.303 (b), originating on a ship of the United States or of a foreign country.

§ 8.273 *Tariff filing required.* No charge shall be made for the service of any station on board ship subject to this part unless effective tariffs applicable to such service are on file with the Commission, pursuant to the requirements of section 203 of the Communications Act and Part 61 of the Commission's rules and regulations.

§ 8.274 *Responsibility for payment.* (a) Each ship station shall be responsible for the payment of all charges accruing to any other station(s) or facilities for the handling or forwarding of messages or communications transmitted by that station.

(b) The transmission by any ship station of information concerning dangers to navigation, made in compliance with the provisions of § 8.303 (b), to any station which imposes a charge for the reception, relay, or forwarding of the required information, shall be free of cost to the ship concerned and any communication charges incurred by the ship for transmission, relay, or forwarding of the information may be certified to the Commission for reimbursement out of moneys appropriated to the Commission for that purpose.

§ 8.275 *Ship position reports.* Any common carrier subject to the Communications Act may furnish reports of positions of ships at sea to newspapers of general circulation, either at a nominal charge or without charge, provided the name of such common carrier is displayed along with such ship position reports.

§ 8.276 *Free safety service.* Notwithstanding any other provision of law, any ship station may render free service in connection with situations involving the safety of life and property, including hydrographic reports, weather reports, reports regarding aids to navigation and medical assistance to injured or sick persons on ships and aircraft at sea: *Provided*, That the Commission, from time to time under particular circumstances, may impose specific limitations on such free service to the extent that it finds desirable in the public interest.

§ 8.277 *Free service for national defense.* Any common carrier subject to the Communications Act may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this paragraph, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for all such communications had been collected at the published tariff rates.

SUBPART M—NATURE OF SERVICE PROVIDED BY SHIP STATIONS AND SHIPBOARD MARINE-UTILITY STATIONS

§ 8.301 *Supplemental eligibility requirements.* Subject to the basic eligibility requirements set forth in § 8.23, authorizations for limited ship stations, marine-utility stations, or public ship stations may be granted to any person, or state or local government subdivision; or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act: *Provided*, That when the availability of the frequency assignment requested, or any part thereof, is specifically dependent upon the activity and/or the routes of voyage of the vessel, the application shall clearly show eligibility of the vessel for such station authorization under the provisions of this part which govern the assignment of frequencies: *And provided further*, That:

(a) An applicant for an authorization to operate a public ship station must request a frequency assignment on which the transmission of public correspondence is not excluded by any of the provisions of this part (although additionally he may request any other frequency assignment).

(b) An applicant for an authorization to operate a limited ship station or a marine-utility station must request a frequency assignment on which the transmission of public correspondence is excluded.

§ 8.302 *Points of communication.* Subject to the conditions and limitations imposed by the terms of the particular station license or by applicable provisions of this part with respect to the use of particular radio-channels, limited ship stations, marine-utility stations on board ships, and public ship stations are authorized to communicate with any station in the maritime mobile service including such other classes of stations as may be appropriately authorized in accordance with the provisions of this part for such communication: *Provided, however*, That for purposes of public correspondence between ship and shore, public ship stations are authorized to

communicate only with public coast stations and United States Government coast stations open to public correspondence.

§ 8.303 *Service requirements for all ship stations.* (a) Unless prohibited by the terms of the station license or by other sections of this part relative to the limited use of a specifically designated frequency, each ship station shall:

(1) Within the scope of its normal operations and without discrimination, acknowledge all calls directed to it, and receive from stations operating in the maritime mobile service, all messages and communications which are addressed to the ship or to any person or persons on board and which are for termination on such ship.

(2) At the request of any station operating in the maritime mobile service, a ship station may, within the scope of its normal operation accept messages or communications as requested for retransmission to any other station in the maritime mobile service. Whenever such messages or communications have been received and acknowledged by a ship station for this purpose, it shall be incumbent upon that station to retransmit the message as directed, with the least delay possible.

(b) The master of every ship, equipped with licensed radio transmitting apparatus capable of providing communication with other ships or with a coast station, on meeting with a direct danger to the navigation of other ships such as dangerous ice, a dangerous derelict, a tropical storm, or any other direct danger to navigation, shall cause to be transmitted, in so far as is possible, all pertinent information relating thereto, to ships in the vicinity and to the appropriate authorities provided that such procedure, in the discretion of the master, will not be a repetition of action already taken for this purpose by another station.

§ 8.304 *Service requirements for public ship stations.* In addition to such messages as are necessary for compliance with § 8.303, and except as may be otherwise limited by the terms of this part governing the use of particular frequencies or by the terms of the station license, a public ship station within the scope of its normal service, without discrimination and upon reasonable demand, shall provide, subject to the order of priority prescribed in § 8.177, a service of public correspondence for any person who, while on board in any status or capacity, requests the service covering any subject matter that legally may be transmitted by radio: *Provided, however*, That, unless specifically authorized by the Commission in individual cases in advance, this service shall not be authorized to be provided when the ship carrying the station is out of service as a ship.

§ 8.305 *Service of limited ship stations and marine-utility stations.* In addition to such messages as are necessary for compliance with § 8.303 and except as may be otherwise limited by the terms of this part governing the use of particular frequencies or by the terms

of the station license, a limited ship station or a marine-utility station is authorized to transmit within the scope of its normal operations messages necessary for the safe, expeditious or economical operation of ships or (when necessary) for the safety of aircraft.

SUBPART N—USE OF RADIOTELEGRAPHY

§ 8.321 *Assignable frequencies.* (a) Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be authorized as an assigned frequency for use by ship stations (public or limited) employing telegraphy by means of amplitude modulation in accordance with the provisions of paragraph (b) of this section and Subpart E of this part.

143 calling	8300
152	8320
153	8330
154	11020
155	11025
156	11030
157	11040 calling
158	11050
160	11055
355	11060
375	11070
394	12360
400	12375
410	12390
425	12420 calling
444	12440
454	12450
468	12460
480	12480
500 calling and distress	16480
2274	16500
3030	16520
4140 calling	16530
4150	16560 calling
4160	16575
4165	16590
5510	16600
5512.5	16605
5515	16640
5520 calling	16660
5525	22025
5527.5	22040
5530	22050
5535	22060
6210 calling	22075
6220	22080 calling
6230	22100
8240	22110
8250	22120
8260	22125
8280 calling	22140

Except as may be otherwise specified herein or in the particular station license, the radio channels of which the above frequencies are the assigned frequencies may be employed for communication with ship stations or coast stations (public or limited): *Provided, however,* That if the assigned frequency is above 5000 kc, the radio-channel thereof is authorized primarily for communication with coast stations.

(b) (1) The frequencies 355 kc and 444 kc are assignable exclusively for communication with United States Government stations; their use for any other communication (except distress) is not authorized. The radio-channel of which 444 kc is the assigned frequency, shall, whenever practicable, be used for this purpose: *Provided,* That harmful interference shall not be caused to the service

of any coast station. Effective when ordered by the Commission relative to implementation of certain international agreements, use by ship stations of the radio-channel of which 355 kc is the assigned frequency shall be discontinued.

(2) In addition to the transmission of specific signals for purposes of radiolocation, the radio-channel of which 375 kc is the assigned frequency may be used for communication by radiotelegraphy with direction-finding stations in connection with established international operating procedure, relative to radiolocation by means of direction-finding. Effective when ordered by the Commission relative to implementation of certain international agreements, the frequency 410 kc shall be assignable for this purpose in Region 2 in lieu of 375 kc: *Provided,* That in Regions 1 and 3, ship stations may transmit, for purposes of direction-finding, on the radio-channel of which 410 kc (in lieu of 375 kc) is the assigned frequency, if directed to do so by a coast station or direction-finding station located in either of those Regions.

(3) Any radio-channel, of which 394, 400, 410, 4165, or 6210 kc is the assigned frequency, shall not be used on the Great Lakes or on the inland waters of the United States.

(4) The radio-channel of which 480 kc is the assigned frequency is authorized for use only in European coastal regions in accordance with paragraph (b) of § 8.324.

(5) The frequency 2274 kc is assignable for use only on the Great Lakes or on inland waters of the continental United States, on condition that interference is not caused to the service of any station of Canada.

(6) The frequency 3030 kc is assignable for use only on the Mississippi River and tributaries thereof, on condition that interference is not caused to the service of any station of Canada.

(c) Except as otherwise provided in paragraphs (f) and (g) of § 8.324, specific frequencies other than those listed in paragraph (a) of this section must be requested as set forth in § 8.30, and may not be assigned except in accordance with applicable international agreement and subsequent to appropriate rule making procedures.

§ 8.322 *Frequencies for use in distress.*

(a) The international distress frequency is 500 kc; it is used as an assigned frequency for this purpose by ship or aircraft stations, using frequencies in the band 365 to 515 kc, when requesting assistance from the maritime services. It is used, preferably with class A2 emission, for the distress call and distress traffic.

(b) The frequency 8280 kc is designated as the assigned frequency for the use of survival craft equipped to transmit on frequencies within the band 4,000 kc to 23,000 kc and desiring to establish, with stations of the maritime mobile service, communications relating to search and rescue. Effective when ordered by the Commission, this frequency will be replaced by the frequency 8364 kc.

§ 8.323 *Frequencies for calling.* (a)

The general international calling frequency is 500 kc; the radio-channel of

which this frequency is the assigned frequency shall be used by any ship station engaged in radiotelegraphy in the authorized bands between 365 and 515 kc, and by aircraft desiring to enter into communication with a station of the maritime mobile service using frequencies in this band. The radio-channel for replying to a call sent on the general calling channel (500 kc assigned frequency) is the same channel as that used for the call. In Region 2, and in other areas of heavy radiotelegraph traffic in this band, ship stations shall request coast stations to answer by means of their normal working channel. In order to facilitate the reception of distress calls, all stations using the radio-channel of which 500 kc is the assigned frequency shall reduce to the minimum their transmissions on this channel.

(b) The frequency 143 kc is the international calling frequency in the maritime mobile service in the band 100 to 160 kc (class A1 emission only). The frequency for replying to a call sent on the frequency 143 kc is, for ship stations, 143 kc, the same as that of the call. When a ship station which uses frequencies within the band 100 to 160 kc desires to establish communication with another station of the maritime mobile service, it shall call that station on the frequency 143 kc, unless the International List of Coast and Ship Stations provides otherwise. This frequency shall be used exclusively for individual calls and replies to such calls and for the transmission of signals preparatory to traffic.

(c) The radio-channels of which the frequencies between 4,000 kc and 23,000 kc, designated for "calling" in paragraph (a) of § 8.321, are the assigned frequencies shall be used primarily for calling and answering; with the exception of 8,280 kc they may be used otherwise on a secondary basis only as provided by paragraph (e) of § 8.324.

(d) In addition to the radio-channels of which the assigned frequencies are specifically authorized herein for "calling", all radio-channels within the band 4,000 kc to 23,000 kc similarly authorized for working may be used for calling also: *Provided,* Interference is not caused to any communication in progress on the particular working channel.

§ 8.324 *Frequencies for working.* (a) Each assigned frequency listed in paragraph (a) of § 8.321, and which is not identified therein with a specific use or function, is authorized as an assigned frequency for "working".

(b) Ship and aircraft stations using telegraphy and working on frequencies within the band 390 to 485 kc shall use, whenever practicable, an authorized working channel of which 425 kc or 468 kc is the assigned frequency: *Provided,* That in the European coastal regions where message traffic is congested, ship and aircraft stations when using class A2 emission in this band shall use, if practicable, an authorized working channel of which either 425 kc or 480 kc is the assigned frequency: *Provided further,* That working by means of telegraphy between aircraft and ship stations

* Coast stations reply on their normal working frequency in this band.

* Subject to the special conditions and limitations set forth in par. (b) of this section.

shall, whenever practicable, take place on an appropriate radio-channel designated in this paragraph.

(c) The calling channel of which 500 kc is the assigned frequency may be used for the transmission of distress, urgency, and safety messages; except for the applicable provisions of §§ 8.402 and 8.403 relative to radiolocation, any other use of this channel for working is prohibited.

(d) In so far as is practicable, ship stations shall use frequency assignments within the high frequency-band (3,000 to 23,000 kc) only when other frequency assignments will not provide effective communication.

(e) In addition to the radio-channels of which the assigned frequencies are designated by paragraph (a) of this section for "working", the radio-channels within the band 4,000 kc to 23,000 kc (except 8,280 kc) of which the assigned frequencies are designated in paragraph (a) of § 8.321 for "calling" may be used, occasionally and with discretion, for working; on condition that interference shall not result to calling, answering, and the exchange of operating signals on the same channel.

(f) In addition to the frequency assignment designated for telegraphy in the license of a ship station, such station, when working by telegraphy with a coast station, may, on condition that its emission-bandwidth and frequency tolerance shall be within the respective limits thereof permitted for the coast station, transmit—

(1) On a telegraph working channel of a coast station within the band 110 to 124 kilocycles (except within the band 140 kc to 146 kc) when directed to do so by the coast station for which the channel is authorized: *Provided*, Interference is not caused to the service of any land, fixed, broadcast, or radiolocation station: *And provided*, That the emission shall be class A1 only.

(2) On a telegraph working channel of a coast station within the bands 385 to 485 kc and 4,000 kc to 23,000 kc when directed to do so by the coast station for which the channel is authorized.

(g) In addition to use of the frequency assignment designated for telegraphy in the license of a ship station, such station when communicating by telegraphy with a mobile or land station of the United States Government may transmit on a government frequency assignment when authorized or directed to do so by the government station responsible or by the government department or agency for which use of such frequency assignment is authorized; on condition that the emission-bandwidth and frequency tolerance of the ship station shall be within the respective limits thereof required to be maintained by the government station. Under these circumstances, the ship station assigned frequency, the class of emission, and the permissible class of traffic shall be designated and controlled by the responsible government station, department, or agency: *Provided*, That on frequencies below 160 kc the emission shall be class A1 only.

§ 8.325 *Use of Morse Code required.* The signal code employed for telegraphy by stations in the maritime mobile serv-

ice shall be the Morse Code signals specified in the Telegraph Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947). However, for radiotelegraph communication of a special character, the use of other signals may be specifically authorized by the Commission in response to an appropriate application therefor.

§ 8.326 *Identification of stations.* (a) All radiotelegraph emissions of a ship station shall be clearly identified by transmission therefrom of the official call letters assigned to that station for telegraphy by the Commission. These call letters shall be transmitted by telegraphy in accordance with § 8.325 and the procedure set forth in the International Radio Regulations and by means of the class of emission normally used by the station for telegraphy: *Provided*, They shall be transmitted always upon completion of any transmission when the station resumes its watch or suspends transmission for an indefinite time; in addition they shall be transmitted at intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes.

§ 8.327 *Procedure in testing.* (a) Ship stations must use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the radiotelegraph testing procedure described below shall be followed.

(1) The licensed radiotelegraph operator responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress; if they are likely to interfere with the service of a coast station or aeronautical station in the vicinity of the ship station, the consent of the former station(s) must be obtained before the test emissions occur.

(2) The operator shall transmit the signal "IE" (two dots, space, one dot) on the test frequency as a warning that test emissions are about to be made on that frequency. When the frequency or frequencies of the test emissions is/are within the frequency-band 365-515 kc, a listening watch shall be maintained on 500 kc by a licensed radiotelegraph operator at the station throughout the test period.

(3) If, as a result of transmitting the test signal "IE", any station indicates, by transmitting the signal "AS" (wait), that it anticipates harmful interference, testing shall be suspended. When transmission of "IE" is resumed and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph.

(4) Test signals composed of a series of "VVV" having a duration of not more than ten seconds, followed by the call sign of the testing station shall be transmitted. The call sign shall be sent

clearly and at relatively slow speed. This test transmission shall not be repeated until a period of at least one minute has elapsed; on the frequency 500 kc in a region of heavy traffic, a period of at least five minutes shall elapse before the test transmission is repeated.

(b) When testing is conducted on the frequency 500 kc, no tests shall be conducted during the 500 kc silent periods. Care must be exercised not to so prolong and space the dash portion of the "VVV" series as to form the alarm signal.

§ 8.328 *Radiotelegraph operating procedure.* (a) Except for the transmission of distress or urgency signals, all transmissions from stations on board ship must cease within the band 480 to 520 kc during each 500 kilocycles silent period, i. e., for three minutes twice an hour beginning at x h 15 and x h 45, Greenwich mean time (GMT).

(b) In order to facilitate radiotelegraph communication in the maritime mobile service, all ship stations transmitting by means of telegraphy shall, whenever practicable, use the service abbreviations ("Q" signals) listed in Appendix 9 of the International Radio Regulations (Atlantic City, 1947).

(c) In addition to compliance with all applicable sections of this part, the operation of ship stations using telegraphy for call, reply, and the transmission of message traffic shall, in particular, comply with all applicable provisions of Articles 29 (except subparagraph (2) of paragraph 8 thereof), 30, 31, 32, 38, 39, and 40 of the International Radio Regulations (Atlantic City, 1947).

§ 8.329 *Station documents.* (a) All ship stations on board ships compulsorily fitted with a radiotelegraph installation shall be provided with the following documents:

(1) A valid station license and FCC Form 500;

(2) The necessary operator license or licenses;

(3) The station log required by this part for stations of this category;

(4) The Alphabetical List of Call Signs prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938);

(5) The List of Coast Stations and Ship Stations prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938);

(6) The List of Stations performing Special Services prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938);

(7) Such provisions of the General Radiocommunication Regulations (Revision of Cairo, 1938), including Article 7, Paragraph 7 thereof, as are necessary for the operation of the radiocommunication service on board ship.

(8) Such provisions of the International Radio Regulations (Atlantic City, 1947), including Articles 23, 24, 25, 26, 29, 30, 31, 32, 35, 37, 38, 39, 40, 41, 44, and 45, as are necessary for the operation of the radiocommunication and radiolocation service on board ship;

(9) Telegraph tariffs of the countries for which the station most frequently accepts radiotelegrams;

(10) Part 8 of the rules of the commission.

(b) All ship stations on board ships not compulsorily fitted with a radiotelegraph installation, but using telegraphy, shall be provided with the documents prescribed by subparagraphs (1), (2), (3), (4), (5), and (10) of paragraph (a) of this section.

(c) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

§ 8.330 *Station records.* (a) (1) Each ship station authorized to use telegraphy on frequencies within the band 100 to 515 kc shall maintain an accurate radiotelegraph log. The first page of each portion of the log covering each voyage shall consist of a "title page" which, upon completion of all entries for the particular voyage, shall contain the following information:

(i) Name of ship and call letters of ship station;

(ii) Period of time covered by such portion of the log;

(iii) Number of pages constituting such portion of the log;

(iv) A statement as to whether or not such portion of the log contains distress entries; if so, the pages containing such entries shall be designated;

(v) Operator's signature, mailing address, and radio operator license data (number, class, and date of issuance).

In addition the log shall be maintained as follows:

(2) (i) Each sheet of the log shall be numbered in sequence, for each voyage, and shall include the name of the vessel, official call letters of the ship station and the name of the operator on watch.

(ii) The entry "on watch" shall be made by the operator beginning a watch, followed by his signature. The entry "off watch" shall be made by the operator being relieved or terminating a watch, followed by his signature. All log entries shall be currently completed at the end of each watch by the operator responsible for the entries. The use of initials or signs is not authorized in lieu of the operator's signature.

(3) During the period a watch is maintained by an operator, all calls transmitted to or from the ship station and all replies transmitted or received shall be entered, stating the time and frequencies, and the call letters of the station communicated with or heard. (If desired, the names of the stations or ships also may be entered.) In addition, a notation of any messages exchanged shall be entered stating the time, the frequency in kilocycles, and the call letters of the station(s) heard, or communicated with. (If desired, the names of the stations or ships also may be entered.) In so far as possible, a positive entry with respect to reception on 500 kilocycles shall be made at least once in each 15 minutes. The entries required by paragraph (e) of this section shall be acceptable as positive entries: *Provided*, Operating conditions are such as to prevent additional entries being made.

(4) The date and time of each occurrence or incident required to be entered in the log shall be shown opposite the entry and the time shall be expressed in Greenwich mean time (GMT), except that in the Great Lakes region the time shall be expressed in eastern standard time (EST) (counted from 00:00 to 24:00 o'clock, beginning at midnight).³ The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "GMT" (EST in the Great Lakes region) shall be marked at the head of the column in which the time is entered.

(5) During the period a watch is maintained by an operator, an entry shall be made twice per hour stating whether or not the international silent period was observed. In addition, entries shall be made indicating any signals or communications heard on 500 kilocycles during this period. If no signals are heard on 500 kilocycles, an entry to that effect shall be made. The use of rubber stamps for making entries to show observation of the silent period is not authorized.

(6) All distress calls, automatic-alarm signals, urgent and safety signals made or intercepted, the complete text, if possible, of distress messages and distress communications, and any incidents or occurrences which may appear to be of importance to safety of life or property at sea, shall be entered, together with the time of such observation or occurrence, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(7) Whenever harmful interference is experienced, an entry shall be made to that effect, stating the source of the interference, if known.

(8) The approximate geographical location of the ship, preferably the noon position, shall be entered each day of each voyage, either in terms of latitude and longitude, or as the distance in nautical miles and the direction from a known fixed point. For this purpose, the master of the ship shall furnish this information to the radio operator. The position report so furnished shall correspond to any entry of the same position made in other official records of the ship.

(9) An entry shall be made of the date and time of departure and arrival of the vessel at each port, including in each entry the name of the port.

(10) A daily entry shall be made regarding comparison of the radio station clock with standard time, including an indication of any errors observed and corrections made. For this purpose, authentic radio time signals received from land or fixed stations shall be acceptable as standard time.

(11) All test transmissions shall be entered, together with the time of such transmissions and the approximate geographical location of the vessel, without

³ For example, 8:01 p. m. eastern standard time should be entered as 0101 GMT; 8:30 a. m. eastern standard time should be entered as 1330 GMT; 7:45 p. m. eastern standard time should be entered as 0045 GMT.

regard to whether two-way communication with any other station is established.

(12) Any failure of equipment to operate as required, any failure of power supply, any inability to obtain sufficient power to charge storage batteries or to properly operate the radio installation and any incidents tending to unduly delay communications shall be entered.

(b) In addition to the radio log requirements stipulated in paragraph (a) of this section, the radio log of each ship station authorized to use telegraphy on frequencies within the band 100 to 515 kc, shall, when the ship is required by law and regulations to keep a radiotelegraph watch on 500 kc for safety purposes by means of a qualified operator, comply also with the following provisions:

(1) Entries shall be made of the results of tests of the emergency installation including transmitter antenna current, hydrometer readings of lead-acid storage batteries, voltage readings of other types of batteries, and quantity of fuel available for engine generators.

(2) An entry shall be made each time the emergency power supply is used (when the vessel is in the open sea) to carry on communication (other than a watch for safety purposes), stating the approximate period of time of such use.

(3) Results of inspections and tests of lifeboat radio equipment, when installed in compliance with requirements of law, prior to departure of the vessel from a harbor or port and the results of weekly inspections of such lifeboat equipment shall be entered.

(4) On a cargo vessel equipped with an auto-alarm, the entry "auto-alarm on", "sensitivity set at (The actual setting of the sensitivity control at the time the auto-alarm is placed in operation should be designated)", and the entry "auto-alarm off", respectively, shall be made whenever the operator places the auto-alarm in and out of operation. Results of the required auto-alarm tests shall be entered daily, including the sensitivity-control setting and the minimum number of 4-second dashes from the testing device which were necessary to properly operate the alarm.

(5) On a cargo vessel equipped with an auto-alarm, an entry shall be made in the radio station log whenever the visual indicator installed on the bridge (to indicate when the alarm becomes inoperative due to prolonged atmospherics or other interference), remains actuated for a continuous period of 5 minutes. A statement shall be included giving particulars as to the time the operator was called to make the necessary repairs or adjustments; any reason for the failure; the names of any parts removed, added, or substituted; repairs effected; and the time the alarm was restored to proper operating conditions.

(6) On a cargo vessel equipped with an auto-alarm, an entry shall be made in the radio station log whenever the auto-alarm becomes inoperative due to causes not indicated by the audible warning or the visual indicator, or whenever the audible warning is actuated. The entry shall include a statement showing the time the operator was called to make any necessary repairs or adjustments; the reason for the audible

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alarm being actuated or failing to be actuated, any parts removed, added, or substituted; repairs effected; and the time the auto-alarm was restored to proper operating condition.

(c) Each ship station authorized to use telegraphy, on frequencies above 550 kc exclusively (except ship stations on the Great Lakes and on board vessels navigated solely on inland waters of the United States), shall maintain an accurate radiotelegraph log as prescribed in paragraph (a) of this section: *Provided*, That subparagraphs (3) and (5) of paragraph (a) shall, in this case, not be applicable.

(d) Each ship station on the Great Lakes and on board a vessel navigated solely on inland waters of the United States which is authorized to use telegraphy, on frequencies above 550 kilocycles exclusively, shall maintain an accurate radiotelegraph log as follows:

(1) Each sheet of the log shall be numbered in sequence and shall include the name of the vessel, official call letters of the ship station and the signature of the licensed operator in attendance at the time communication is effected.

(2) An entry shall be made for each complete exchange of communications with any station, stating the approximate geographical location of the vessel, the call letters or the name of the station communicated with, the time of the communication, the nature of the messages or signals exchanged, and designation of the transmitting frequencies.

(3) All test transmissions shall be entered, including designation of the transmitting frequency, together with the time of commencement and completion of such transmissions and the approximate geographical location of the vessel, without regard to whether two-way communication with any other station is established.

(4) All distress calls, urgent and safety signals made or intercepted; the complete text, if possible, of distress messages and distress communication; and any incidents or occurrences which may appear to be of importance to safety of life or property shall be entered, together with the time of such observation of concurrence, designation of the frequency on which such transmissions were received, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(5) Any failure of equipment to operate as required, any failure of power supply, any inability to obtain power to charge storage batteries or to properly operate the radio installation and any incidents tending to unduly delay communication shall be entered.

(6) The date and time of making an entry shall be shown opposite the entry and the time shall be expressed as follows:

(i) For vessels navigated on the Great Lakes:

Eastern standard time (EST) (counted from 00:00 to 24:00 o'clock beginning at midnight).³ The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation.

The abbreviation "EST" shall be marked at the head of the column in which the time is entered.

(ii) For vessels navigated on inland waters of the United States, other than the Great Lakes:

Local standard time (EST, CST, etc.) (counted from 00:00 to 24:00 o'clock, beginning at midnight).³ The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "EST" or "CST", etc., shall be marked at the head of the column in which the time is entered. However, this provision shall not prohibit the use of time entries expressed in GMT (and so indicated) in lieu of local standard time.

(e) In all ship stations authorized to transmit on frequencies within the band 365 to 515 kilocycles, a written record shall be maintained of the adjustments of the transmitting and receiving equipment for operation on the assigned frequencies 375 kc and 500 kc and at least one authorized working frequency within this band. This record shall be posted at all times in a conspicuous place on or near the particular equipment involved.

(f) The ship radiotelegraph log currently in use shall be kept by the licensed operator(s) of the station and while in use it shall be located in the main radiotelegraph operating room of the ship. At the conclusion of each voyage terminating at a port of the United States, the original station log or a duplicate thereof dating from the last departure of the ship from a United States port shall be retained under proper custody on board the ship for a sufficient period of time but not necessarily in excess of 24 hours, to be available for inspection by a duly authorized representative(s) of the Commission. Thereafter the original log, and the duplicate log, if provided, may be filed at an established shore office of the ship station licensee, and shall be retained as stipulated by § 8.115.

SUBPART O—USE OF RADIOTELEPHONY

§ 8.351 *Assignable frequencies.* (a) Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by ship stations employing telephony by means of amplitude modulation subject to and in accordance with the provisions of paragraph (d) of this section, other applicable sections of this subpart, and Subpart E of this part:

2,003	2,214	6,660	13,245
2,110	2,638	6,670	13,260
2,118	2,738	8,810	13,275
2,126	2,782	8,820	17,600
2,134	4,162.5	8,830	17,610
2,142	4,402.5	8,840	17,620
2,158	4,412.5	8,850	17,640
2,166	4,422.5	11,090	17,660
2,174	4,457.5	13,200	17,680
2,182	6,240	13,210	23,000
2,198	6,455	13,220	
2,206	6,650	13,230	

³ For example, 7:01 p. m. eastern standard time would be entered as 1901 EST; 7:30 a. m. eastern standard time would be entered as 0730 EST; 8:45 p. m. eastern standard time would be entered as 1845 EST.

(b) Each of the specific frequencies in megacycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by ship stations or marine-utility stations on board ship employing telephony by means of either amplitude modulation or frequency modulation subject to and in accordance with the provisions of other applicable sections of this subpart, and Subpart E of this part:

35.06 35.10 35.14 35.18 43.02

(c) Each of the specific frequencies in megacycles hereinafter designated in this paragraph may be licensed as an authorized carrier frequency for use by ship stations and/or marine-utility stations as respectively designated herein which employ telephony by means of frequency modulation in Region 2 or by means of either frequency modulation or amplitude modulation in Regions 1 and 3, subject to and in accordance with the provisions of other applicable sections of this subpart and Subpart E of this part:

(1) Available for ship stations and marine-utility stations:

156.3 156.5 156.7 156.9
156.4 156.6 156.8 157.0

(2) Available for ship stations only:

157.1 157.4

(d) Assignment of the specific carrier frequencies designated in paragraph (a) of this section and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions hereinafter set forth in this paragraph:

(1) The frequency 2003 kc is authorized for use by ship stations on the Great Lakes only. Availability of this frequency for this use is temporary, in the sense that its assignment as prescribed in this subpart shall be subject to cancellation or modification by the Commission without the necessity of a hearing if in the discretion of the Commission such action is necessary or desirable in connection with implementation of the Table of Frequency Allocations set forth in Article 5 of the Radio Regulations, Atlantic City, 1947. The use of this frequency is shared with ship stations of other countries in the Great Lakes area for the purposes hereinafter prescribed in this subpart.

(2) The frequencies 2134, 2142, 2166, and 2206 kc are authorized for use upon the express condition that interference shall not be caused to the service of any station of Canada: *Provided*, That in the Great Lakes area, the frequency 2206 kc may be used for communication exclusively with coast stations in Canada.

(3) The frequencies 2118 kc and 2158 kc are authorized for use on a shared basis with stations of Canada: *Provided*, That in the Great Lakes area, the frequency 2158 kc shall be used for communication exclusively with coast stations in the United States.

(4) The frequency 2182 kc is the radio-telephone calling and distress frequency for the maritime mobile service of the United States. This frequency is authorized for use on a shared basis with stations of other countries and without distinction as to location or area of use: *Provided, however*, That its use for purposes other than distress shall not cause interference to stations of the maritime mobile service within 300 nautical miles of Charleston, South Carolina; Jacksonville, Florida; or Wilmington, California; or within 600 nautical miles of Vancouver, British Columbia, which, for a temporary period, continue in accordance with their respective station authorizations to use this frequency, or other frequencies within the band 2170 kc to 2194 kc, inclusive, for working.

(5) The frequency 2214 kc is authorized for use exclusively at locations at which interference is not caused to the service of any United States Government station.

(6) The frequency 2638 kc is authorized for use in all areas, except the Great Lakes, on a shared basis with ship stations of other countries, for the purpose hereinafter prescribed in this subpart.

(7) The frequency 2738 kc is authorized for use in all areas, except the Great Lakes, on a shared basis with ship stations of other countries, for the purpose hereinafter prescribed in this subpart.

(8) The frequency 2782 kc is authorized for use exclusively on the Mississippi River and connecting inland waters (except the Great Lakes); such use of this frequency is subject to coordination with stations operating in the fixed service at other locations in the United States, in order that interference shall be avoided or reduced to a minimum.

(9) The frequency 4162.5 kc is authorized for use exclusively on the Mississippi River and connecting inland waters (except the Great Lakes); such use of this frequency is authorized upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

(10) On the Great Lakes, the frequencies 4422.5, 6660 and 8820 kc are authorized upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

(11) The frequencies 6240 kc, 6455 kc and 11090 kc are authorized for use exclusively on the Mississippi River and connecting inland waters (except the Great Lakes), upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

(12) On the Mississippi River and connecting inland waters (except the Great Lakes), use of the frequency 8840 kc is authorized upon the express condition that interference shall not be caused to

the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

(13) Use of the frequencies 8810 kc and 8850 kc is subject to coordination with stations operating in the fixed service in order that interference shall be avoided or reduced to a minimum.

(e) Except as otherwise provided in §§ 8.357 and 8.363, specific frequencies other than those listed in paragraphs (a), (b) and (c) of this section must be requested as set forth in § 8.30 and may not be assigned except in accordance with applicable international agreement and subsequent to appropriate rule making procedures.

§ 8.352 *Frequencies for use in distress.* (a) Subject to the provisions of paragraph (b) of this section, the radio-telephone distress frequency for the maritime mobile service of the United States is 2182 kc.¹ It may be used as a carrier frequency for this purpose by ship or aircraft stations employing telephony in the band 1605 kc to 2850 kc when requesting assistance from the maritime services. It may be used, preferably with class A3 emission, for the distress call and distress traffic.

(b) Until such time as the frequency 2182 kc becomes guarded effectively for distress calls in United States areas other than the Great Lakes region,² ship stations using telephony in event of distress only may call stations of the United States Coast Guard on the Government frequency 2670 kc. Transmission on the Government frequency 2670 kc for any purpose other than distress is strictly forbidden. In the Great Lakes region, the distress frequency 2182 kc is to be used at all times for radiotelephone distress calls and traffic.

§ 8.353 *Frequencies for calling.* (a) The general radiotelephone calling frequency for the maritime mobile service of the United States is 2182 kc; it may be used as a carrier frequency for this purpose by ship stations and aircraft stations operating in the maritime mobile service subject to the following conditions and limitations:

(1) Aside from distress calls and distress traffic, this frequency may be used for urgency and safety signals and for urgency and safety messages (other than public correspondence);

(2) In addition, this frequency is authorized only for call and reply, and for

¹ The frequency 2182 kc will be formally recognized as the international radiotelephone distress and calling frequency in Region 2 not later than the date on which Article 3 of the Inter-American Radio Agreement, Washington, 1949, becomes effective, and in Regions 1, 2, and 3 (world-wide) not later than the date on which the new International Frequency List becomes effective as provided by Article 47 of the International Radio Regulations, Atlantic City, 1947.

² In the Great Lakes region, the frequency 2182 kc has been in use as the general radiotelephone calling frequency for several years, and its use in time of distress in that area has proven effective.

signals preparatory to working on other frequencies;

(3) When using this frequency for other than distress calls and distress traffic, and urgency and safety signals and messages, the mean³ antenna power of the unmodulated carrier wave shall not exceed 100 watts.

(4) The use of this frequency for other than distress calls and distress traffic, and urgency and safety signals and messages within 300 nautical miles of Charleston, South Carolina; Jacksonville, Florida; or Wilmington, California; or within 600 miles of Vancouver, British Columbia, shall not cause interference to stations of the maritime mobile service which, for a temporary period, continue in accordance with their current respective station authorizations to use this frequency, or other frequencies within the band 2170 kc to 2194 kc inclusive, for working.

(b) The radiotelephone frequency for call and reply for the maritime mobile service of the United States using frequencies within the band 156.25 Mc to 162.05 Mc is 156.8 Mc. It may be used as a carrier frequency for this purpose by these stations for call and reply, and by ship stations additionally as prescribed in paragraph (c) of § 8.359.

(c) In addition to the radio-channels of which the carrier frequencies are specifically authorized herein for "calling", the radio-channels authorized in this subpart for "working" may be used for call and reply also: *Provided*, Interference is not caused to any communication in progress on the particular working channel.

§ 8.354 *Frequencies below 5000 kc for public correspondence.* (a) Carrier frequencies which are authorized for use by public ship stations employing telephony by means of amplitude modulation for the transmission of public correspondence exclusively are designated herewith; ship stations shall use the radio-channels of which these frequencies are the authorized carrier frequencies exclusively for working with public coast stations located at, or in the vicinity of, the specific harbors, ports or places designated hereinafter opposite the respective ship transmitting frequency, and shall receive transmission from the particular coast stations on the associated receiving frequencies also designated herewith:

(1) Frequencies available for use when different radio-channels are used

³ As prescribed by paragraph 2, Article 3, of the Inter-American Radio Agreement, Washington, 1949, Article 1, paragraph 63 of the International Radio Regulations, Atlantic City, 1947, states as follows: "Mean power of a radio transmitter: The power supplied to the antenna during normal operation, averaged over a time sufficiently long compared to the period corresponding to the lowest frequency encountered in actual modulation." (In general, a time of one-tenth second, during which the mean power is a maximum, will be selected.)

alternately for transmission by the ship station and the coast station:

Ship station transmitting carrier frequency (kilocycles) ¹	Coast station(s) located in vicinity of—	Ship station receiving carrier frequency (kilocycles)
2110	Boston, Mass.	2506
	San Francisco, Calif.	
	Eureka, Calif.	
2118	Miami, Fla.	2514
	Great Lakes (U. S. and Canada)	
2126	Seattle, Wash.	2522
	New York, N. Y.	
2134	Galveston, Tex.	2530
	Hawaiian Islands	
	San Juan, P. R.	
2142	Norfolk, Va.	2538
	Quantico, Va. ²	
2158	Tampa, Fla.	2550
	Great Lakes (U. S. only)	
2160	Wilmington, Del.	2558
	New York, N. Y. ³	
2174	Charleston, S. C.	2566
	Jacksonville, Fla. ⁴	
2108	Los Angeles, Calif.	2590
	New York, N. Y.	2582
	Hawaiian Islands	
	New Orleans, La.	
2206	Astoria, Oreg. ⁵	2598
	Portland, Oreg. ⁶	
	Great Lakes (Canada only)	2582
4402.5	Miami, Fla.	4287.5
	Hawaiian Islands	4177.5
4412.5	New York, N. Y.	4177.5
	Boston, Mass. ⁷	
	San Francisco, Calif.	4280
4422.5	Great Lakes	4282.5
	Los Angeles, Calif. ⁷	4280
4457.5	New York, N. Y.	4752.5

¹ These frequencies are those which may be specified in applications for ship station authorizations.

² On these channels, Quantico shares circuit-time with Norfolk.

³ On these channels, New York shares circuit-time with Wilmington.

⁴ On these channels, Jacksonville shares circuit-time with Charleston.

⁵ On these channels, Portland shares circuit-time with Astoria.

⁶ On these channels, Boston shares circuit-time with New York.

⁷ On these channels, Los Angeles shares circuit-time with San Francisco.

(2) Frequencies available for use by ship stations on board vessels while navigated on the Mississippi River and connecting inland waters (other than the Great Lakes); exclusively for communication with coast stations located in the vicinity of any harbor, port, or place on the Mississippi River and connecting inland waters (other than the Great Lakes), when the ship station and the coast station transmit alternately on the same radio-channel:

2782 kc ⁴ 4162.5 kc ⁴

(b) The use of the working frequencies authorized in paragraph (a) of this section is subject to the applicable conditions and limitations set forth in paragraph (d) of § 8.351. Further, and in so far as is practicable, ship stations shall use frequency assignments within the band 4000 kc to 5000 kc only when frequency assignments below 4000 kc or above 30 Mc will not provide effective communication.

(c) Additionally, each ship station licensed prior to the effective date of this section for communication, by telephony on the radio-channel of which 2738 kc is the authorized carrier frequency, with one or more public coast stations using telephony on this radio-channel, may

⁴ These frequencies are those which may be designated in applications for ship station authorizations.

continue to be licensed for such operation until expiration of the current term of the particular ship station license which provides such authorization.⁵

§ 8.355 Frequencies from 5000 kc to 30 Mc for public correspondence. (a) Carrier frequencies within the band 5000 kc to 30 Mc which are authorized for use by public ship stations employing telephony by means of amplitude modulation for the transmission of public correspondence exclusively are designated herewith; ship stations shall use the radio-channels of which these frequencies are the authorized carrier frequencies exclusively for working with public coast stations:

(1) Frequencies authorized for use by ship stations on board ocean-going vessels primarily for long-distance communication, when the ship station and the coast station transmit alternately on different radio-channels; except as expressly provided otherwise in this subpart, these frequencies shall not be used by ship stations on the Great Lakes or inland waters of the continental United States:

6,650 kc	8,840 kc	13,245 kc	17,640 kc
6,660 kc	8,850 kc	13,260 kc	17,660 kc
6,670 kc	13,200 kc	13,275 kc	17,680 kc
8,810 kc	13,210 kc	17,600 kc	23,000 kc
8,820 kc	13,220 kc	17,610 kc	
8,830 kc	13,230 kc	17,620 kc	

(2) Frequencies authorized for use by ship stations on board vessels while navigated on the Great Lakes; exclusively for communication with coast stations in the Great Lakes area, when the ship station and the coast station transmit alternately on different radio-channels. Ship stations shall receive transmission from the particular coast stations on the associated receiving frequencies also designated herewith:

Ship station transmitting carrier frequency ⁴	Ship station receiving carrier frequency
6660 kc	6470 kc
8220 kc	8585 kc

(3) Frequencies authorized for use by ship stations on board vessels while navigated on the Mississippi River and connecting inland waters (other than the Great Lakes); exclusively for communication with coast stations located in the vicinity of any harbor, port, or place on the Mississippi River and connecting inland waters (other than the Great Lakes), when the ship station and the coast stations transmit alternately on the same radio-channel:

6240 kc ⁴	6455 kc ⁴
8840 kc ⁴	11090 kc ⁴

(b) The use of the working frequencies authorized in paragraph (a) of this section is subject to the applicable conditions and limitations set forth in paragraph (d) of § 8.351. Further, in so far as is practicable, ship stations shall use frequency assignments within the band 5000 kc to 30 Mc only when frequency assignments below 5000 kc or above 30 Mc will not provide effective communication.

§ 8.356 Frequencies above 30 Mc for public correspondence. (a) Carrier fre-

⁵ See § 8.362.

quencies above 156 Mc which are authorized for use by public ship stations employing telephony by means of frequency modulation (or in Regions 1 and 3, amplitude modulation when required) for the transmission of public correspondence exclusively, are designated herewith; ship stations shall use the radio-channels of which these frequencies are the authorized carrier frequencies exclusively for working with public coast stations:

(1) For ship station transmission to public coast stations when the same radio-channel is used for transmission by the coast station (under exceptional circumstances wherein the method of working prescribed in subparagraph (2) or (3) of this paragraph would not be practicable) in areas where interference is not caused to the use of either of these frequencies by ship stations working as contemplated under subparagraphs (2) and (3) of this paragraph:

157.1 Mc and 157.4 Mc

(2) For transmission to public coast stations except coast stations within 75 statute miles of Chicago, Illinois, when a different radio-channel is used for transmission by the coast station:

For ship station transmission ⁶	For ship station reception ⁶
157.4 Mc	161.9 Mc

(3) For transmission to public coast stations including coast stations at Chicago, Illinois, and locations within 75 statute miles thereof, when a different radio-channel is used for transmission by the coast station:

For ship station transmission	For ship station reception
157.1 Mc	162 Mc

(b) (1) Carrier frequencies within the band 30 Mc to 40 Mc which, subject to and in accordance with the conditions and limitations hereinafter set forth in this paragraph are authorized for use by public ship stations employing telephony by means of either frequency modulation or amplitude modulation for transmission and reception of public correspondence exclusively on the same radio-channel, only when communicating with public coast stations licensed to transmit on frequencies within this band prior to the effective date of this section and located within the vicinity of the respective harbor(s), port(s), or place(s) designated herein opposite the particular carrier frequency.

For communication only with coast stations within the vicinity of—

Carrier frequency:	vicinity of—
35.14 Mc	Philadelphia, Pa.
35.18 Mc	Great Lakes region.

(2) Each of these carrier frequencies is available for use on a shared basis with limited coast stations, limited ship stations, marine-utility stations and aircraft stations operating in the maritime mobile service at any location on the same radio-channel; they are not available exclusively for public correspondence. Licensees having authority to

⁶ In accordance with arrangements between the United States and certain foreign countries.

transmit on these frequencies shall cooperate in the use thereof in order to minimize interference.

(3) Applicants for public ship station licenses or renewal or modification of such licenses whose applications request authority to transmit on 35.14 Mc or 35.18 Mc for the purpose of communicating with public coast stations as specifically set forth in this section, may be required, in the discretion of the Commission, to show a need for the use of such frequencies for public correspondence in lieu of the specific frequencies above 156 Mc authorized in this subpart for public correspondence exclusively.

(4) Ship stations (except stations operating under appropriate licenses granted prior to the effective date of this paragraph) shall not use the carrier frequencies 35.14 Mc or 35.18 Mc for public correspondence unless such stations are specifically authorized to do so by the terms of the respective ship station license. Notwithstanding the provisions of Subpart M of this part, ship stations shall not be classified as public ship stations because of their authority to transmit on 35.14 Mc and/or 35.18 Mc, unless they are specifically authorized by the terms of their station licenses to use these carrier frequencies for public correspondence as prescribed in this section.

§ 8.357 *Additional frequencies for public correspondence.* In addition to the frequency assignment designated for public correspondence by means of telephony in the license of a public ship station, such station, when working by telephony with a foreign coast station for this purpose may, on condition that interference shall not be caused to the service of any station which in the discretion of the Commission may have priority on the involved radio-channel(s), transmit to such coast station when directed to do so by that station on a specific frequency assignment designated by the coast station for the service being carried on.

§ 8.358 *Frequencies below 3000 kc for safety purposes.* (a) Carrier frequencies which are authorized for working between ship stations (ship-to-ship) employing telephony for transmission and reception on the same radio-channel by means of amplitude modulation, primarily for the transmission of safety communication,* are designated herewith:

- 2003 kc (Great Lakes area only).
- 2638 kc (other than Great Lakes area).
- 2738 kc (other than Great Lakes area).

The use of these carrier frequencies for public correspondence is prohibited. Further, their use by ship stations is subject to the conditions and limitations set forth in the following paragraphs of this section.

(b) The frequency 2003 kc is the general working frequency for ship-to-ship telephony in the Great Lakes area exclusively, primarily for safety communication under conditions requiring the use of a frequency in this portion of the spectrum. The transmission of other than safety communication on this

radio-channel is authorized upon the express condition that interference shall not be caused to safety communication. This frequency, even though licensed, is not to be used by ship stations which are licensed also to use frequencies above 30 Mc for ship-to-ship telephony, under conditions when the use of a licensed frequency above 30 Mc in lieu of 2003 kc would provide effective safety communication.

(c) The frequency 2738 kc is the general working frequency for ship-to-ship telephony (except in the Great Lakes area), primarily for safety communication under conditions requiring the use of a frequency in this portion of the spectrum. The transmission of other than safety communication on this radio-channel is authorized upon the express condition that interference shall not be caused to safety communication. This frequency, even though licensed, is not to be used by ship stations which are licensed also to use frequencies above 30 Mc for ship-to-ship telephony, under conditions when the use of a licensed frequency above 30 Mc in lieu of 2738 kc would provide effective safety communication.

(d) The frequency 2638 kc is the primary working frequency for ship-to-ship telephony (except in the Great Lakes area) for safety communication under conditions requiring the use of a frequency in this portion of the spectrum. The radio-channel of which 2638 kc is the authorized carrier frequency may be used—

(1) Primarily for safety communication and the exchange of signals and messages of direct benefit to marine navigation;

(2) Secondly, and with discretion, for other communication concerning the safe, expeditious, or economical operation of ships.

Even though licensed for this purpose, this carrier frequency is not to be used by ship stations which are licensed also to use frequencies above 30 Mc for ship-to-ship telephony, under conditions when the use of a licensed frequency above 30 Mc in lieu of 2638 kc would provide effective safety communication.

§ 8.359 *Frequencies above 156 Mc for safety purposes.* (a) Carrier frequencies which are authorized for use by ship stations and by marine-utility stations on board ship, employing telephony for transmission and reception on the same radio-channel by means of frequency modulation (or by means of amplitude modulation in Regions 1 and 3 when required) primarily for the transmission of safety communication, are designated herewith:

156.8 Mc: For calling and safety; available for any ship station or marine-utility station on board ship in any area.

156.3 Mc: For intership (ship-to-ship) communication exclusively; available for any ship station or marine-utility station on board ship in any area.

156.7 Mc: In areas other than the Great Lakes—primarily for communication with limited coast stations for the exchange of information essential to the maritime radio-location service; in the Great Lakes area—for intership (ship-to-ship) communication exclusively. Available for any ship station

or marine-utility station on board ship in any area.

157.0 Mc: For intership (ship-to-ship) communication exclusively; for this purpose available only for ship stations and marine-utility stations on board commercial transport vessels* and vessels of municipal or state governments for use exclusively on the Great Lakes, the Mississippi River and tributaries, and the Gulf of Mexico Intracoastal Waterway.

The use of these carrier frequencies for public correspondence (except as may be required for communication with foreign coast stations) is prohibited. Further, their use by ship stations is subject to the conditions and limitations set forth in (b) through (f) of this section.

(b) The carrier frequency 156.7 Mc or 157.0 Mc is assignable to ship stations and marine-utility stations on board ship, for ship-to-ship communication on the Great Lakes (and 157.0 Mc on the Mississippi River and tributaries, and the Gulf of Mexico Intracoastal Waterway), only when such stations are capable also of transmitting and receiving on the intership radio-channel of which 156.2 Mc is the authorized carrier frequency, and are authorized to communicate on that radio-channel. (One application, however, may be submitted when this requirement is fulfilled, for ship station license for initial authority to transmit for this purpose on 156.3 Mc and either 156.7 Mc or 157.0 Mc or both the latter frequencies.) The requirement of this paragraph shall not apply to a marine-utility station when the ship station on board the same vessel complies therewith.

(c) (1) The radio-channel of which 156.8 Mc is the authorized carrier frequency is designated primarily for calling and safety purposes in ship-to-ship and ship-shore communication. It may be used when appropriate by ship stations and marine-utility stations on board ship employing telephony for short-distance communication as an alternative to the radiotelephone distress frequency 2182 kc, for distress calls and distress traffic, and for safety communication.

(2) In accordance with the provisions of subparagraph (1) of this paragraph, this radio-channel may be used by ship stations and marine-utility stations on board ship for:

(i) Call, reply, and the exchange of brief operating signals;

(ii) Operating signals preparatory to message traffic on a different radio-channel;

(iii) The transmission from ship to ship of brief messages within the category of safety communication.

(3) The use of this radio-channel by ship stations, or marine-utility stations on board ship, for transmission not strictly in accordance with subparagraphs (1) and (2) of this paragraph is prohibited unless the stations engaged in communication are in the open sea and more than 150 nautical miles from the nearest land. Under the latter circumstances, this radio-channel may be used for ship-to-ship communication of any nature necessary for the safe, ex-

* The term "safety communication" is defined in par. (a) of § 8.6.

* See par. (o) of § 8.2 which defines "commercial transport vessel".

pedition or economical operation of ships.

(d) The radio-channel of which 156.3 Mc is the authorized carrier frequency is designated for intership (ship-to-ship) communication exclusively. When a ship station or a marine-utility station on board ship is authorized to transmit on one radio-channel only (within the frequency-band 156.25 Mc to 157.45 Mc) exclusively for intership communication, the authorized carrier frequency of such intership radio-channel shall, in all cases, be 156.3 Mc: *Provided*, This condition shall not apply to a marine-utility station on board ship when the ship station on board the same vessel is authorized to transmit on the assigned frequency 156.3 Mc. This radio-channel may be used:

(1) Primarily for safety communication and the exchange of signals and messages of direct benefit to marine navigation;

(2) Secondly, and with discretion, for other communication concerning the safe, expeditious or economical operation of ships.

(e) The radio-channel of which 157.0 Mc is the authorized carrier frequency is designated, with respect to its use by ship stations and marine-utility stations on board ship on the Great Lakes, Mississippi River and tributaries, and the Gulf of Mexico Intracoastal Waterway, exclusively for intership communications. Its use for intership communication is authorized for stations on board commercial transport vessels and vessels of municipal or state governments only. For intership communication, this radio-channel may be used:

(1) Primarily for safety communication and the exchange of signals and messages of direct benefit to marine navigation;

(2) Secondly, and with discretion, for other communication concerning the safe, expeditious or economical operation of ships.

(f) (1) Except in the Great Lakes area, the radio-channel of which 156.7 Mc is the authorized carrier frequency is designated primarily for communication with limited coast stations when such communication is essential to the effective operation of any maritime radiolocation service which is available to all ships within the radiolocation service area. In areas where this carrier frequency is assigned for this function, its use as a communication facility for purposes of radiolocation shall have absolute priority over any other use except for distress. In areas (other than the Great Lakes) where the use of this carrier frequency for communication essential to radiolocation is not required, or is not required continuously, it may be assigned and used for any communication of benefit to the operation of commercial transport vessels, subject to the express condition that interference shall not be caused to its primary use in connection with the maritime radiolocation service.

(2) In the Great Lakes area only, the radio-channel of which 156.7 Mc is the authorized carrier frequency is designated for intership (ship-to-ship) communication exclusively. It may be used

for stations on board any class of vessel for safety communication and communication necessary for the operational and business needs of ships.

§ 8.360 *Frequencies above 156 Mc for business and operational purposes.* (a) Carrier frequencies which are authorized for use by ship stations and marine-utility stations employing telephony by means of frequency modulation (or amplitude modulation in Regions 1 and 3 when required) for transmission and reception on the same radio-channel, are designated herewith; these carrier frequencies (except where intership use only is specified) are authorized primarily for communication with limited coast stations and marine-utility stations on shore, and secondarily with ship stations and marine-utility stations on board ship:

156.4 Mc: All areas.^a

156.5 Mc: All areas.^a

156.6 Mc: All areas^a (limited to harbor or port operation traffic); intership only—in Great Lakes area.

156.9 Mc: All areas.

157.0 Mc: All areas, except not available for ship-shore communication on the Great Lakes, the Mississippi River or any tributary thereof, the Gulf of Mexico Intracoastal Waterway, nor any location within 100 statute miles of any portion of these waters.

The use of these carrier frequencies for public correspondence (except as may be required for communication with foreign coast stations) is prohibited. Further, their use by ship stations is subject to the conditions and limitations set forth in paragraphs (b) through (i) of this section.

(b) Each of the radio-channels of which the frequencies designated in paragraph (a) of this section are the authorized carrier frequencies is available on a shared basis only to serve the business and operational needs of ships and they shall not be construed as available for the exclusive use of any one station licensee or any specific ship or ships. All licensees having authority to transmit on such assigned frequencies shall cooperate in the use thereof in order to minimize interference and obtain the most effective use of the authorized facilities.

(c) For all areas other than the Great Lakes area, the carrier frequency of each radio-channel which is assignable to a ship station or a marine-utility station on board a specified class or classes of ships or for a specified function is designated herewith:

(1) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments which are navigated primarily within harbor or port areas:

156.4 Mc 156.5 Mc

157.0 Mc subject to the limitation specified in paragraph (a) of this section.

(2) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments which are navigated primarily between separate harbors or ports or navi-

^aIn accordance with arrangements between the United States and certain foreign countries.

gated primarily outside harbor or port areas:

156.5 Mc

When such vessels have need for an additional radio-channel for use within harbor or port areas, one or more of the carrier frequencies specified in other subparagraphs of this paragraph may be additionally assigned.

(3) For assignment to ship stations on board any class of vessel for communication solely in connection with harbor or port operations, including docking, lighterage, pilotage, dredging, towing, ship repair, port development, maintenance of navigable channels, etc.:

156.6 Mc

(4) For assignment primarily to ship stations on board pilot vessels, normally stationed at the entrance to a harbor or port, and secondarily for assignment to other classes of commercial transport vessels for use in each case in accordance with the provisions of paragraph (f) of this section:

156.9 Mc

(d) For the Great Lakes area only, the carrier frequency of each radio-channel which is assignable to a ship station or a marine-utility station on board a specified class or classes of ships or for a specified function is designated herewith:

(1) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments which are used regularly to transport passengers and/or land vehicles (including motor vehicles and railroad rolling stock) between established marine terminals:

156.4 Mc

(2) For assignment to ship stations on board commercial transport vessels which are used in the fishing industry:

156.5 Mc

(3) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments which are used in marine construction activities:

156.5 Mc

(4) For assignment to ship stations on board any class of vessel solely for communication between tugboats and between tugboats and other vessels concerning the maneuvering of ships and docking operations primarily in harbor or port areas:

156.6 Mc

(5) For assignment to ship stations on board commercial transport vessels and vessels of municipal or state governments which are classified as tugs or tugboats:

156.9 Mc

(e) The carrier frequency 156.6 Mc is authorized for use within, or within the vicinity of, all harbor or port areas primarily for communication concerning port operations; in such areas it may be used additionally, on a secondary basis, to serve other business and operational needs of ships upon the express condition that such secondary use shall not

interfere with nor delay the exchange of port operational message traffic.

(f) The carrier frequency 156.9 Mc is authorized primarily for use by pilot vessels, normally stationed at the entrance to a harbor or port, that regularly supply information (via one or more limited coast stations using this carrier frequency for such communication) to marine interests on shore concerning the arrival and departure of ships moving to and from that harbor or port. This carrier frequency may be assigned, in areas where its use is not required for the foregoing purpose, for any communication of benefit to the operation of commercial transport vessels.

(g) In order to avoid interference in certain geographic areas to the use of an exclusive intership radio-channel of which 157.0 Mc is the authorized carrier frequency, the use of this carrier frequency for ship-shore communication is prohibited (except for distress purposes) on the Great Lakes, the Mississippi River and tributaries, the Gulf of Mexico Intracoastal Waterway, and at any location within 100 statute miles of any portion of those waters.

(h) All communication on any radio-channel of which 156.4 Mc, 156.5 Mc, 156.6 Mc, 156.9 Mc, or 157.0 Mc is the authorized carrier frequency shall be limited solely to safety communication and communication necessary for the operational and business needs of ships; in particular, communication of a personal nature not relative to safety or the operational or business needs of ships is strictly forbidden. Whenever these radio-channels are used on a secondary basis for ship-to-ship communication, such use shall not willfully interfere with nor delay any communication between ship and shore.

(i) Notwithstanding any of the provisions of this section, any radio-channel of which 156.4 Mc, 156.5 Mc, 156.6 Mc, 156.9 Mc, or 157.0 Mc is the authorized carrier frequency may be used for ship-to-ship communication of any nature necessary for the safe, expeditious or economical operation of ships when the stations engaged in communication are in the open sea and more than 150 nautical miles from the nearest land.

§ 8.361 Frequencies within the band 30 to 50 Mc for general communication.

(a) Carrier frequencies which are authorized for any communication necessary for the safe, expeditious or economical operation of ships (other than public correspondence) for use by ship stations and marine-utility stations on board ship employing either frequency modulation or amplitude modulation for telephony, for transmission and reception on the same radio-channel are designated herewith:

Carrier frequency:	Normal geographic area of use
35.06 Mc----	Gulf-Caribbean area north of 15° north latitude (includes Puerto Rico and Virgin Islands, does not include Florida east coast area).
35.10 Mc----	Pacific area within Region 2 and north of 15° north latitude.

Carrier frequency—Con.	Normal geographic area of use
35.14 Mc----	Atlantic area within Region 2 and north of 15° north latitude (includes Florida east coast area).
35.18 Mc----	Mid-continent area (includes Great Lakes).

Each of these assignable frequencies is available on a shared basis only and shall not be construed as available for the exclusive use of any one station licensee. All licensees having authority to transmit on such assigned frequencies shall cooperate in the use thereof in order to minimize interference and obtain the most effective use of the authorized facilities.

(b) Each application which requests assignment of a carrier frequency designated in paragraph (a) of this section shall designate normally the carrier frequency specified in that paragraph for use in the geographic area in which the station is to be operated. Normally, only that carrier frequency is assignable for use in that area. When any other of these carrier frequencies is requested for assignment in a specified area, the application therefor shall include a satisfactory showing that the carrier frequency designated in paragraph (a) for use in the particular area will not meet the need of the proposed or existing service. When, in the opinion of the applicant, the location of the involved station is not, or will not be, clearly within one of the geographic areas designated in paragraph (a), the applicant shall obtain the necessary information in this respect by corresponding directly with the Commission at Washington, D. C.

(c) Each of these carrier frequencies is assignable for communication (other than public correspondence) by means of telephony with limited coast stations, ship stations, and marine-utility stations on ship or shore, which for this purpose transmit on the same radio-channel. In addition, when required to serve a maritime purpose, each of these carrier frequencies is assignable in accordance with the geographic areas specified in paragraph (a) of this section for use by mobile stations on board aircraft at sea for communication by telephony with ship stations, limited coast stations, and marine-utility stations on board ship, when each of the involved stations transmits and receives on the same radio-channel; subject to this provision, ship stations and marine-utility stations are authorized to communicate additionally on such radio-channel(s) with mobile stations on board aircraft appropriately licensed for this purpose. Such stations on board aircraft shall be governed in the use of any of these frequency assignments by the same rules and regulations that apply to ship stations using the same frequency assignment.

(d) Any ship station licensed prior to March 1, 1949, for the use of telephony on the radio-channel of which 43.02 Mc is the authorized carrier frequency, may continue to be licensed for use of this radio-channel for communication only with limited coast stations and with ship stations using this same radio-channel for that purpose. The class of emission, authorized frequency-band, type of mod-

ulation, and maximum power as licensed prior to March 1, 1949, continue to be authorized for such licensed stations, upon the condition that the carrier frequency shall be maintained within 0.01 per cent of the authorized carrier frequency 43.02 Mc and that interference shall not be caused to any station in any other service.

(e) In addition to the provisions of paragraph (d) of this section, the carrier frequency 43.02 Mc may be authorized for use by ship stations employing telephony by means of either amplitude modulation or frequency modulation for ship-to-ship communication exclusively at locations or in areas (primarily outside the continental United States) where, as the result of transmission by ship stations on the radio-channel of which this frequency is the authorized carrier frequency, interference is not caused to any other service operating on the same or adjacent radio-channels.

§ 8.362 Frequencies below 3000 kc for business and operational purposes. (a) In addition to availability of the carrier frequency 2738 kc primarily for intership communication as prescribed in § 8.358, this frequency may, in response to proper application therefor, be specifically authorized in ship station licenses or specifically by order of the Commission for use (except in the Great Lakes area) to a limited extent in communicating by telephony (amplitude modulation) with such limited coast stations as are designated in the respective ship station license or in any applicable order of the Commission: *Provided:*

(1) The applicant makes a showing satisfactory to the Commission that exceptional and limited use of this carrier frequency for ship-shore communication, in lieu of a different frequency normally authorized for ship-shore communication (public correspondence or otherwise) is necessary to serve an important business or operational need of the vessel on which the ship station is located (other than public correspondence) and that the desired communication will be effective even though ship-to-ship communication for safety and other purposes has priority in the use of this frequency; and

(2) Harmful interference will not be caused to the service of ship-to-ship communication on the radio-channel of which 2738 kc is the authorized carrier frequency; and

(3) The plate input power to be used will be the minimum amount necessary to provide effective ship-shore communication on this radio-channel and will not at any time exceed the average plate-input power generally used by ship stations for intership communication on this radio-channel; and

(4) The ship-shore communication on this radio-channel shall be limited exclusively to that which is necessary to serve an important business or operational need of the vessel on which the ship station is located (excluding public correspondence);

(5) The use of this carrier frequency in accordance with any station authorization granted pursuant to this section shall be on a shared basis with any other

station using this same frequency in accordance with a similar station authorization.

(b) The carrier frequency 2214 kc may, in response to proper application therefor, be specifically authorized in the license of a ship station for use, subject to the applicable limitation set forth in paragraph (d) of § 8.351, in communicating by telephony (amplitude modulation) with such limited coast station(s) and with such ship stations (when they use this same carrier frequency for transmission) as are designated in the particular ship station license; *Provided*,

(1) The applicant makes a showing satisfactory to the Commission that use of this carrier frequency, in lieu of a frequency above 30 Mc normally authorized for use by ship stations, is necessary to serve an important business or operational need of the vessel on which the station is located (other than public correspondence); and

(2) The communication carried on by the ship station on the radio-channel of which 2214 kc is the authorized carrier frequency shall be limited exclusively to that which is necessary to serve an important business or operational need of the vessel on which the ship station is located (excluding public correspondence); and

(3) The use of this carrier frequency in accordance with any station authorization granted pursuant to this section shall be on a shared basis with any other station using this same frequency in accordance with a similar station authorization.

(c) In addition to availability of the carrier frequencies 2638 kc and 2738 kc primarily for intership communication as prescribed in section 8.358, either of these carrier frequencies may, in response to proper application therefor, be specifically authorized in private aircraft station licenses for communication by means of telephony (amplitude modulation) with a ship station or stations; *Provided*,

(1) The applicant makes a showing satisfactory to the Commission that such communication is necessary to serve an important business or operational need of the involved ship station(s) while they are engaged in commercial fishing activities; and

(2) Harmful interference will not be caused to the service of ship-to-ship communications; and

(3) The maximum plate input power to be used shall not exceed 50 watts; and

(4) The aircraft-to-ship and ship-to-aircraft communication which takes place on the radio-channel of, which either 2638 kc or 2738 kc is the authorized carrier frequency shall be limited exclusively to that which is necessary to serve an important business or operational need of the vessel(s) on which the ship station(s) is(are) located while such vessel(s) is(are) engaged in commercial fishing activities; and

(5) All of the provisions of this part (in particular § 8.366) in respect to authorization and use of the carrier frequencies 2638 kc and 2738 kc for intership communication (except as otherwise specified in this paragraph

with respect to maximum plate input power) shall apply to all aircraft stations authorized for this purpose under the provisions of this paragraph; and

(6) Authority for use of the carrier frequency 2638 kc under the foregoing provisions of this paragraph may be granted only to those private aircraft stations which, prior to the effective date of this section, were licensed to transmit on this carrier frequency for communication by telephony with ship stations for the purpose expressed in this paragraph.

§ 8.363 *Use of U. S. Government frequencies for telephony.* In addition to use of the frequency assignment designated for telephony in the license of a ship station, such station when communicating by telephony with a mobile or land station of the United States Government, may transmit on a government frequency assignment when authorized or directed to do so by the government station responsible or by the government department or agency for which use of such frequency assignment is authorized; on condition that the emission-bandwidth and frequency tolerance of the ship station shall be within the respective limits thereof required to be maintained by the government station. Under these circumstances, the ship station carrier frequency, the class of emission, and the permissible class of traffic shall be designated and controlled by the responsible government station, department, or agency.

§ 8.364 *Identification of station.* (a) Pending final decision of the Commission in Docket 9797 in respect to this paragraph as proposed in that docket, the following provisions shall continue in effect.

(b) The name of the vessel on which a ship station is located shall be announced at the beginning and upon completion of any radiotelephone communication carried on by such station.

(c) The name, the call letters, and the type of station (portable) of a portable-type station authorized to be operated on board ships shall be transmitted at the beginning and upon completion of any communication carried on by such station.

§ 8.365 *Procedure in testing.* (a) Ship stations must use every precaution to insure that, when conducting operational transmitter tests, the emissions of the station will not cause harmful interference. Radiation must be reduced to the lowest practicable value and if feasible shall be entirely suppressed. When radiation is necessary or unavoidable, the testing procedure described below shall be followed:

(1) The licensed radio operator or other person responsible for operation of the transmitting apparatus shall ascertain by careful listening that the test emissions will not be likely to interfere with transmissions in progress; if they are likely to interfere with the working of a coast or aeronautical station in the vicinity of the ship station, the consent of the former station(s) must be obtained before the test emissions occur;

(2) The official call sign of the testing station, followed by the word "test", shall be announced on the radio-channel being used for the test, as a warning that test emissions are about to be made on that frequency;

(3) If, as a result of the announcement prescribed in subparagraph (2) of this paragraph, any station transmits by voice the word "wait", testing shall be suspended. When, after an appropriate interval of time, such announcement is repeated and no response is observed, and careful listening indicates that harmful interference should not be caused, the operator shall proceed as set forth in subparagraph (4) of this paragraph;

(4) The operator shall announce the word "testing" followed in the case of a voice transmission test by the count "1, 2, 3, 4, * * * etc." or by test phrases or sentences not in conflict with normal operating signals; or followed, in the case of other emission, by appropriate test signals not in conflict with normal operating signals. The test signals in either case shall have a duration not exceeding ten seconds. At the conclusion of the test, there shall be voice announcement of the official call sign of the testing station, the name of the ship on which the station is located, and the general location of the ship at the time the test is being made. This test transmission shall not be repeated until a period of at least one minute has elapsed; on the frequency 2182 kc or 156.8 Mc in a region of heavy traffic, a period of at least five minutes shall elapse before the test transmission is repeated.

(b) When testing is conducted on any frequency assignment within the band 2170 kc to 2194 kc, within the band 156.75 Mc to 156.85 Mc, within the band 480 kc to 510 kc (lifeboat transmitters only), or within the band 8275 kc to 8285 kc (lifeboat transmitters only), no test transmissions shall occur which are likely to actuate any automatic alarm receiver within range. Lifeboat stations using telephony shall not be tested on the assigned frequency 500 kc during the 500 kc silent periods.

§ 8.366 *General radiotelephone operating procedure—(a) Limitations on calling.* (1) Except when transmitting a general call to all stations within range for announcing or preceding the transmission of distress, urgency, or safety messages, a ship station shall call the particular station(s) with which it intends to communicate.

(2) Calling a particular station, either by voice or by automatic means, shall not continue for a period of more than thirty seconds in each instance. If the called station is not heard to reply, that station shall not again be called until after an interval of one minute. In event of an emergency involving safety, the provisions of this subparagraph shall not apply.

(3) The use of selective-calling on the radio-channel of which either 2182 kc or 156.8 Mc is the authorized carrier frequency is prohibited.

(b) *Use of calling frequency required.* Pending final decision by the Commission in Docket 9797 in respect to this

paragraph as proposed in that docket, the following provision shall continue in effect. In the Great Lakes area, before transmitting on the frequency 2003 kc, ship stations shall first establish communication with each other on the frequency 2182 kc by initially calling and answering on the latter frequency.

(c) *Calling coast stations.* (1) Use of the carrier frequency 2182 kc by ship stations for calling coast stations, and for replying to calls from such stations is authorized; however, such calls and replies shall, in general, be made on a ship-shore radio-channel authorized primarily for working.

(2) Use of the carrier frequency 156.8 Mc by ship stations and marine-utility stations on board ship for calling coast stations and marine-utility stations on shore, and for replying to calls from such stations is authorized; however, such calls and replies shall, in general, be made on a ship-shore radio-channel authorized primarily for working.

(d) *Time limitation on calling frequency.* Transmission by ship stations on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency (including calls, answers, operating signals, and conversation pertaining to safety) shall be kept to a minimum and in general any one exchange of communications shall not exceed 3 minutes in duration. In the event of distress or other emergency, this time limitation shall not apply.

(e) *Change to working frequency.* After establishing communication with another station by call and reply on the calling channel of which 2182 kc or 156.8 Mc is the authorized carrier frequency, stations on board ship shall change to an authorized working channel for the transmission of messages which, under the provisions of this subpart, cannot be transmitted on the respective calling channels.

(f) *Shared use of 2003, 2638 and 2738 kc.* (1) In regions of heavy radio traffic, any one exchange of communications between any two ship stations on the radio-channel of which 2003, 2638, or 2738 kc is the authorized carrier frequency, or between a ship and a limited coast station on the 2738 kc channel, shall not exceed 5 minutes in duration after the two stations have established contact by calling and answering. Subsequent to such exchange of communications, the 2003, 2638 or 2738 kc channel shall not again be used for communication between the same two stations until 5 minutes have elapsed: *Provided*, That this requirement shall in no way limit or delay the transmission of distress or emergency communications.

(2) All transmission on the radio-channels of which 2638 kc and 2738 kc are the authorized carrier frequencies by two or more stations, engaged in any one exchange of signals or communications with each other, shall take place on only one of these channels. For this purpose, the stations involved shall transmit and receive on the same channel: *Provided*, That this requirement is waived in the event of emergency when by reason of interference or limitation of equipment

this method of single-channel communication cannot be used.

(g) *Authorized use of 2003, 2638 and 2738 kc.* (1) The radio-channels of which 2003 kc, 2638 kc, or 2738 kc are the authorized carrier frequencies, shall be used by ship stations for safety communication and for communication necessary for and relating directly to maritime operations. Other classes of communication, including those of a purely personal or social nature which do not relate in any way to safety or a maritime purpose, are construed, with respect to the use of these radio-channels, to be superfluous communication as defined in § 8.6 (b), and under the provisions of § 8.178 are prohibited.

(2) Ship stations licensed to transmit on the radio-channel of which 2638 kc is the authorized carrier frequency, shall, when on inland waters of the United States, restrict the use of this channel to a necessary minimum.

(h) Pending final decision by the Commission in Docket 9797 in respect to this paragraph as proposed in that docket, the following provisions shall continue in effect. Unless otherwise directed by a coast station, any one exchange of communications by a ship station in the Great Lakes area transmitting on the frequency 2118, 2158, 4422.5, 6660 or 8820 kc, or by a ship station on the Mississippi River or connecting inland waters transmitting on the frequency 2782, 4162.5, 6455, 8840, or 11090 kc shall not exceed 15 minutes in duration. Subsequent to any one exchange of communications, the same frequency shall not again be used by that ship station until 15 minutes have elapsed: *Provided*, That this limitation shall not apply to distress or emergency communication.

(i) *Limitation on business and operational traffic.* All ship-to-ship communication and communication with limited coast stations and marine-utility stations on shore engaged in by ship stations and marine-utility stations on board ship shall be limited, on radio-channels above 30 Mc, to the minimum practicable transmission time. In the conduct of ship-shore communication (other than distress), stations on board ship shall comply with instructions given by the limited coast station or marine-utility station on shore, with which they are communicating, in all matters relative to operating practices and procedures and to the suspension of transmission in order to minimize interference.

(j) *Limitation on use of high frequencies on inland waters.* (1) Ship stations in the Great Lakes area, authorized to use the carrier frequency 6660 kc or 8820 kc pursuant to § 8.351, paragraph (d), subparagraph (10), shall, during the period from local sunset to local sunrise, not transmit on these frequencies whenever the necessary communication can be effected on authorized frequencies below 5000 kc or above 30 Mc.

(2) Ship stations on the Mississippi River and connecting inland waters, authorized to use one or more of the carrier frequencies 6240, 6455, 8840, and 11090 kc pursuant to § 8.351 (d) (11) and (12), shall, during the period from local

sunset to local sunrise, not transmit on these frequencies whenever the necessary communication can be effected on authorized frequencies below 5000 kc or above 30 Mc.

§ 8.367 *Station documents.* (a) Ship stations using telephony, but not authorized to employ telegraphy except for calling purposes incidental to the use of telephony, shall be provided with the documents hereinafter specified:

(1) Ship stations on board vessels engaged on international voyages other than those voyages designated in subparagraph (2) of this paragraph:

(i) A valid station license;

(ii) The necessary operator license or licenses;

(iii) The station log required by this part for stations of this category;

(iv) The Alphabetical List of Call Signs prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938);

(v) The List of Coast Stations and Ship Stations prescribed in Article 15 of the General Radio Regulations (Revision of Cairo, 1938);

(vi) Part 8 of the rules of the Commission.

(2) Ship stations on board vessels not navigated on international voyages or engaged on international voyages solely on inland waters of the United States and Canada, including the Great Lakes; the documents listed in items (i), (ii), (iii) and (vi) of subparagraph (1) of this section.

§ 8.368 *Station records.* (a) Pending final decision by the Commission in Docket 9797 in respect to this section as proposed in that docket, the following provisions shall continue in effect.

(b) Each ship station authorized to use telephony on any frequency or frequencies within the band 3000 kc to 30 Mc (except ship stations on the Great Lakes and on board vessels navigated solely on inland waters of the United States) shall maintain an accurate radio log, when using telephony on frequencies within this band, in accordance with the following requirements:

(1) Each sheet of the log shall be numbered in sequence, for each voyage, and shall include official call letters of the ship station and the name of the operator on watch.

(2) The entry "on watch" shall be made by the operator beginning a watch, followed by his signature. The entry "off watch" shall be made by the operator being relieved or terminating a watch, followed by his signature. All log entries shall be currently completed at the end of each watch by the operator responsible for the entries. The use of initials or signs is not authorized in lieu of the operator's signature.

(3) The time of making an entry shall be shown opposite the entry and shall be expressed in Greenwich mean time (G. M. T.), except that in the Great Lakes region the time shall be expressed in Eastern Standard Time (EST) (counted from 00:00 to 24:00

¹⁰ As amended by the Commission, effective November 14, 1939.

o'clock, beginning at midnight.¹¹ The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "G. M. T." (EST in the Great Lakes region) shall be marked at the head of the column in which the time is entered.

(4) All distress calls, automatic-alarm signals, urgent and safety signals made or intercepted, the complete text, if possible, of distress messages and distress communications, and any incidents or occurrences which may appear to be of importance to safety of life or property at sea shall be entered, together with the time of such observation or occurrence, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(5) Whenever harmful interference is experienced, an entry shall be made to that effect, stating the source of the interference, if known.

(6) The approximate geographical location of the ship, preferably the noon position, shall be entered each day of each voyage, either in terms of latitude and longitude, or as the distance in nautical miles and the direction from a known fixed point. For this purpose, the master of the ship shall furnish this information to the radio operator. The position report so furnished shall correspond to any entry of the same position made in other official records of the ship.

(7) An entry shall be made of the time of departure and arrival of the vessel in each port, including in each entry the name of the port.

(8) A daily entry shall be made regarding comparison of the radio station clock with standard time, including an indication of any errors observed and corrections made. For this purpose, authentic radio time signals received from land or fixed stations shall be acceptable as standard time.

(9) Any failure of equipment to operate as required, any failure of power supply, any inability to obtain sufficient power to charge storage batteries or to properly operate the radio installation and any incidents tending to unduly delay communication shall be entered.

(10) All test transmissions shall be entered, together with the time of such transmissions and the approximate geographical location of the vessel, without regard to whether two-way communication with any other station is established.

(c) Each ship station (except ship stations on the Great Lakes and on board vessels navigated solely on inland waters of the United States) which is authorized to operate on any frequency within the band 1,500 to 3,000 kilocycles or in any band above 30,000 kilocycles shall maintain an accurate log, when operating on any frequency within these bands, as follows:

¹¹ For example, 8:01 p. m. eastern standard time should be entered as 0101 GMT; 8:30 a. m. eastern standard time should be entered as 1330 GMT; 7:45 p. m. eastern standard time should be entered as 0045 GMT.

(1) Each sheet of the log shall be numbered in sequence and shall include official call letters of the ship station and the name of the licensed operator in attendance at the time communication is effected.

(2) An entry shall be made for each complete exchange of communications with any station, stating the approximate geographical location of vessel, the call letters and the name of the station communicated with, the time of the communication, and the nature of the messages or signals exchanged.

(3) All test transmissions shall be entered, together with the time of such transmissions and the approximate geographical location of the vessel, without regard to whether two-way communication with any other station is established.

(4) All distress calls, urgent and safety signals made or intercepted; the complete text, if possible, of distress messages and distress communications; and any incidents or occurrences which may appear to be of importance to safety of life or property at sea, shall be entered, together with the time of such observation or occurrence, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(5) The time of making an entry shall be shown opposite the entry and shall be expressed in Greenwich mean time (GMT) (counted from 00:00 to 24:00 o'clock, beginning at midnight).¹² The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "GMT" shall be marked at the head of the column in which the time is entered.

(6) Any failure of equipment to operate as required, any failure of power supply, any inability to obtain power to charge storage batteries or to properly operate the radio installation and any incidents tending to unduly delay communication shall be entered.

(d) Each ship station on the Great Lakes and on board a vessel navigated solely on inland waters of the United States which is authorized to operate on any frequency or frequencies above 550 kilocycles shall maintain an accurate log when operating on such frequencies, as follows:

(1) Each sheet of the log shall be numbered in sequence and shall include official call letters of the ship station and the signature of the licensed operator in attendance at the time communication is effected.

(2) An entry shall be made for each complete exchange of communications with any station, stating the approximate geographical location of the vessel, the call letters or the name of the station communicated with, the time of the communication, the nature of the messages or signals exchanged, and designation of the transmitting frequencies.

(3) All test transmissions shall be entered, including designation of the trans-

¹² For example, 8:01 p. m. eastern standard time should be entered as 0101 GMT; 8:30 a. m. eastern standard time should be entered as 1330 GMT; 7:45 p. m. eastern standard time should be entered as 0045 GMT.

mitting frequency, together with the time of commencement and completion of such transmissions and the approximate geographical location of the vessel, without regard to whether two-way communication with any other station is established.

(4) All distress calls, urgent and safety signals made or intercepted; the complete text, if possible, of distress messages and distress communications; and any incidents or occurrences which may appear to be of importance to safety of life or property at sea, shall be entered, together with the time of such observation of occurrence, designation of the frequency on which such transmissions were received, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(5) Any failure of equipment to operate as required, any failure of power supply, any inability to obtain power to charge storage batteries or to properly operate the radio installation and any incidents tending to unduly delay communication shall be entered.

(6) The time of making an entry shall be shown opposite the entry and shall be expressed as follows:

(i) For vessels navigated on the Great Lakes:

Eastern standard time (EST) (counted from 00:00 to 24:00 o'clock, beginning at midnight).¹³ The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "EST" shall be marked at the head of the column in which the time is entered.

(ii) For vessels navigated on inland waters of the United States, other than the Great Lakes:

Local standard time (EST, CST, etc.) (counted from 00:00 to 24:00 o'clock, beginning at midnight).¹³ The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviations "EST" or "CST", etc., shall be marked at the head of the column in which the time is entered. However, this provision shall not prohibit the use of time entries expressed in GMT (and so indicated) in lieu of local standard time.

SUBPART P—USE OF RADIOLOCATION

§ 8.401 *Assignable frequencies for direction-finding.* (a) The frequency 375 kc is the assigned frequency in Region 2 for direction-finding exclusively. Effective when ordered by the Commission this frequency shall be replaced, with respect to stations of the United States, by the frequency 410 kc. In Regions 1 and 3, the frequency 410 kc may be used in those areas where the use of this frequency (in lieu of 375 kc) for direction-finding is the prevailing procedure.

(b) As an exception, on condition that signals of distress, urgency and safety, and calls and answers, are not interfered with, the calling channel of which 500 kc is the assigned frequency may be

¹³ For example, 7:01 p. m. eastern standard time would be entered as 1901 EST; 7:30 a. m. eastern standard time would be entered as 0730 EST; 7:45 p. m. eastern standard time would be entered as 1945 EST.

used additionally and with discretion, by ship stations for direction-finding; exclusively in Regions 1 and 3 outside areas of heavy radio traffic.

(c) In the event of distress, the following frequencies may be used for radiolocation for purposes of search and rescue by any licensed station on board ship, without regard to whether or not these frequencies are designated in the station license:

375 kc	2182 kc
410 kc	8280 kc
500 kc	

§ 8.402 *Use of direction-finding frequency.* Except in event of distress, transmission on the direction-finding frequency (375 kc or 410 kc as designated in § 8.401) is permissible only when authorized by the terms of the station license. The operating procedure used shall comply with that set forth in the International Radio Regulations applicable to the use of this frequency; the exchange of signals and communications on this frequency by means of radiotelegraphy which is a necessary adjunct to direction-finding, together with the actual process of direction-finding, constitutes a maritime radionavigation service.

§ 8.403 *Radiolocation by cable-repair ship.* Provided radio transmitting equipment attached to a cable-marker buoy has been adequately described in an application for ship radio station license for a cable-repair ship with which the buoy is associated, and provided further that such equipment is authorized in the related ship station license, that equipment may be operated for direction-finding on the frequency 278 kc (or such other comparable frequency as may be authorized by the Commission specifically for this purpose) under authority of the ship station license, with A1 or A2 emission and a maximum plate input power of 30 watts. The call signals that must be used for a transmitter operating under the provisions of this section shall be the regularly assigned call of the ship station with which the buoy is associated, to be followed by the letters "BT", and the identifying number of the buoy. The buoy transmitter shall be continuously monitored by a licensed radiotelegraph operator on board the associated cable-repair ship. Should a frequency deviation in excess of 0.5 percent or interference to the service of any other station be reported or observed, the radiation of the transmitter shall be suspended until the deviation is eliminated or until the transmitter can be operated without causing interference.

§ 8.404 *Assignable frequencies above 2400 Mc.* (a) The following frequency-bands are authorized for use by ship-radiolocation stations (including ship-radar stations) in the maritime radionavigation service;¹ the maximum power shall be designated in each instrument of authorization: *Provided*, That for stations other than ship-radar sta-

tions,² the class of emission, the frequency tolerance, and the bandwidth occupied by the emission shall be designated in each instrument of authorization.

3000 Mc to 3246 Mc
5460 Mc to 5650 Mc
9320 Mc to 9500 Mc

(b) The following frequency-bands are authorized for use by ship-radiolocation stations in the maritime radiolocation service; the class of emission, the frequency tolerance, the bandwidth occupied by the emission, and the maximum power shall be designated in each instrument of authorization:

(1) 2450 to 2500 Mc for purposes other than radionavigation or safety, on the condition that harmful interference shall not be caused to the fixed and mobile services, on the condition that no protection shall be given from interference caused by emission from industrial, scientific, or medical equipment.

(2) 3000 Mc to 3246 Mc
5460 Mc to 5650 Mc
9320 Mc to 9500 Mc

The use of frequencies within these bands for radiolocation, other than radionavigation, shall not cause harmful interference to the radionavigation service.

§ 8.405 *Special provisions applicable to ship-radar stations.* (a) Every ship-radar station licensed, prior to the effective date of this section, in the former "ship service" shall, subsequent to the effective date of this section, be regarded as licensed in the maritime radionavigation service³ and the use and operation of such stations shall be governed accordingly.⁴

(b) Each ship-radar station installation the manufacture of which was completed on or after 1947 shall be furnished with a durable name plate with the manufacturer's name, transmitter model number; and month and year of completion of manufacture permanently inscribed thereon. Such name plate shall be affixed to the indicator housing at the principal radar operating position or to some other component of the radar installation which is readily accessible for inspection.

(c) Each ship-radar station license issued shall be subject to the condition that the station licensee, in relation to the proper operation of the station in accordance with the radio law, and rules and regulations of the Commission, will be represented on board the radar-equipped vessel by the person who at any given time occupies the position of master.

(d) Effective on and after January 2, 1951, the following provisions shall apply to ship-radar stations:

(1) The station licensee of each ship-radar station shall provide and require to be kept at the station a permanent installation and maintenance record. Entries in this record shall be made by or under the personal direction of the responsible installation, service, or maintenance operator concerned in each particular instance, but the station licensee shall have joint responsibility

with the responsible operator concerned for the faithful and accurate making of such entries as are required by this paragraph.

(2) Each entry in this record shall be personally signed by the responsible operator concerned.

(3) The following entries shall be made in this record:

(i) The date and place of initial installation.

(ii) Any necessary steps taken to remedy any interference found to exist at the time of such installation.

(iii) The nature of any complaint (including interference to radio communication) arising subsequent to initial installation, and the date thereof.

(iv) The reason for the trouble leading to the complaint, including the name of any component or component part which failed or was misadjusted.

(v) Remedial measures taken, and date thereof.

(vi) The name, license number, and date of the ship-radar operator endorsement on the first or second class radio operator license of the responsible operator performing or immediately supervising the installation, servicing, or maintenance.

(e) Until the Commission shall otherwise provide, the ship-radar station licensee, by such arrangement as may be necessary with the ship master, operating agency, or ship owner, shall, upon specific request made by the Commission, be responsible for the submission of such reports as are requested by the Commission to show the value and practical performance of the ship-radar station. For assistance in preparing these reports, daily records, when the radar installation is tested or used, should, when practicable, be kept showing at least the following:

(1) Approximate number of hours of use while the ship is in operation;

(2) Number of service failures, and duration, nature, and cause of each failure if known;

(3) Performance under local weather conditions which are unfavorable for marine navigation; and

(4) Unusual incidents, including, among others, cases in which radar may have aided or hindered safe operation of the ship.

(f) In addition to the installation and maintenance record required by paragraphs (d) and (e) of this section, the following documents shall be available for reference on board each radar-equipped vessel whose ship-radar station is licensed by the Commission:

(1) Part 8 of the Commission's rules.

(2) At least one set of instructions from the respective manufacturer relative to the use and operation of the particular type of ship-radar installation.

(g) No provisions of this part shall require any ship-radar station to transmit any signal(s) intended solely for the purpose of identifying that station.⁵

SUBPART Q—DEVELOPMENTAL STATIONS

§ 8.431 *Supplemental eligibility.* An authorization for developmental operation of a station on board ship in any

¹ The associated transmitting frequencies of U. S. Government radar beacons (racons) are, respectively, as follows: 3256, 5450, and 9310 megacycles.

² With respect to ship-radar stations, see §§ 8.131, 8.132, and 8.133.

³ See par. (1) of § 8.4.

⁴ See § 8.138 relative to type-acceptance of ship-radar transmitters.

⁵ See § 8.74 in respect to call signs of ship-radar stations.

of the services under this part will be issued only to those persons who are eligible to operate such stations on a regular basis.

§ 8.432 Showing and statement required. (a) Except as provided in paragraph (c) of this section, each application for authorization for a developmental station on board ship shall be accompanied by a showing that:

(1) The applicant has an organized plan of development leading to a specific objective;

(2) A point has been reached in the program where actual transmission by radio is essential to the further progress thereof;

(3) The program has reasonable promise of substantial contribution to the expansion or extension of the use of radio for a maritime purpose, or is in a field of maritime operation not already investigated;

(4) The program will be conducted by qualified personnel;

(5) The applicant is legally and financially qualified, and possesses adequate technical facilities for conduct of the program proposed;

(6) The public interest, convenience, or necessity will be served by the proposed operation.

(b) Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

(c) The provisions of paragraph (a) of this section do not apply when an application is made for a developmental station solely for the reason that the frequency requested is restricted to such developmental use.

§ 8.433 Assignable frequencies. (a) Stations engaged in developmental operation may be authorized to use a frequency or frequencies, available for the service and class of station which they propose to operate. The number of frequencies assignable to a particular station shall depend upon the specific requirements of the developmental program and the number of frequencies available for such use in the particular area where the station is to be operated.

(b) In addition to the specific frequencies and frequency-band designated in this part as available for a particular service and class of station, each of the following frequencies and frequency-bands available for the maritime mobile service may be licensed as an assigned frequency or as an authorized frequency-band, respectively, for use by developmental ship stations subject to the applicable provisions of this part:

3500 Mc to	3700 Mc
6425 Mc to	6575 Mc
11,700 Mc to	12,000 Mc
26,000 Mc to	30,000 Mc

and

1600 Mc to	18,000 Mc
2450 Mc to	2500 Mc

on the condition that no protection shall be given from interference caused by emissions from industrial, scientific, or medical equipment. The class of emission, the frequency tolerance, the emission-bandwidth and the maximum transmitter-power for use on frequencies within these bands above 2400 Mc shall be designated in each station authorization.

§ 8.434 Use of developmental stations.

(a) Developmental stations on board ship shall be constructed and used in such manner as to conform with all applicable technical and operating requirements¹ contained in this part, unless deviation therefrom is specifically provided in the station authorization.

(b) Communication with any station of a country other than the United States is prohibited unless specifically authorized by the terms of the station authorization.

(c) The operation of a developmental station is subject to the condition that harmful interference is not caused to the operation of stations licensed in an established service under any part of the Commission's rules.

§ 8.435 Developmental program. (a)

The developmental program as described by the applicant in the application for authorization shall be substantially followed unless the Commission shall otherwise direct.

(b) Where some phases of the developmental program are not covered by the general rules of the Commission and the rules in this part, the Commission may specify supplemental or additional requirements or conditions in each case as deemed necessary in the public interest, convenience or necessity.

(c) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

§ 8.436 Report of operation required.

(a) A report on the results of the developmental program shall be filed with and made a part of each application for renewal authorization, or in cases where no renewal of authorization is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labelled; they will be used solely for the Commission's information and will not be publicly disclosed without permission of the applicant. The report shall include comprehensive and detailed information on the following:

(1) The final objective of the developmental operation;

(2) Pertinent results of operation to date;

(3) Analysis of the results obtained;

(4) Copies of any published reports;

(5) Need for continuation of the program if such need exists;

(6) Number of hours of operation on each authorized frequency during the

¹Such requirements are those applicable to the corresponding established class of station including provisions relating to operator requirements, station logs, station documents and assignments of call signs.

term of the license to the date of the report.

§ 8.437 Identification of station. (a) The radiotelegraph and radiotelephone emissions of a developmental station on board ship shall be clearly identified in the manner provided in §§ 8.326 and 8.364, respectively.

(b) The facsimile emissions of a developmental station on board ship shall be identified either by telegraphy or by telephony as provided in §§ 8.326 and 8.364, respectively.

(c) All other classes of emission of a developmental station on board ship shall be identified as prescribed in the respective station authorization.

SUBPART R—COMPULSORY SHIPBOARD RADIO INSTALLATIONS¹

§ 8.501 Inspection of installation.²

(a) In accordance with paragraph (a) of § 8.101 and pursuant to section 360 of the Communications Act, every ship of the United States, subject to Part II of Title III of the Communications Act, shall have the equipment and apparatus prescribed therein, inspected at least once each year by the Commission. The issuance of an appropriate certificate³ in behalf of any vessel of the United States concerning the radio particulars provided for in the Safety Convention is subject to a finding by the Commission that such vessel complies in an efficient manner with the applicable radio and communication provisions of that convention or that, pursuant to the provisions of Article 28 of that convention, such vessel is exempt from those provisions of that convention.

(b) In accordance with Article 54 of the Safety Convention, every ship of the United States holding a Safety Certificate, Safety Radiotelegraphy Certificate or Exemption Certificate is subject, when in a port of any foreign country which is a party to the Safety Convention, to control by officers duly authorized by the government of that country, in so far as that control is directed towards verifying that there is on board a valid convention certificate, and if necessary, that the conditions of the vessel's seaworthiness correspond substantially with the particulars of that certificate; that is to say, so that the ship can proceed to sea without danger to the passengers and the crew.⁴

§ 8.502 Main and emergency installations. (a) A radio installation on board

a vessel subject to Title III, Part II of the Communications Act, to be construed as a main installation and a sepa-

¹With respect to required operators, watches, and use of auto-alarms, see Subparts F and H.

²See §§ 8.46, 8.47, 8.48 and 8.49.

³See sec. 359 of the Communications Act.

⁴The privileges of the Safety Convention may not be claimed in favor of any ship unless it holds a proper valid certificate. In the event of control giving rise to intervention of any kind in a foreign port, the officer carrying out the control is required to inform the United States Consul of all the circumstances in which intervention is deemed to be necessary.

rate* emergency or reserve installation, shall comply with the following conditions, in addition to all other requirements:

(1) A main radio transmitter and an associated main radio receiver shall be installed;

(2) A separate emergency radio transmitter and an associated separate emergency radio receiver shall be installed;

(3) Emergency electric lights shall be installed;

(4) An emergency power supply shall be installed.

(b) Whenever a main installation only is provided on board a cargo vessel in accordance with the terms of paragraph (a) of section 354 of the Communications Act,⁸ this installation shall comply in full with all rules and regulations of the Commission that apply to an emergency or reserve installation on board a vessel subject to Title III, Part II of the Communications Act.

§ 8.503 Requirements of main installation. (a) All main installations on board vessels subject to Title III, Part II of the Communications Act shall comply with the following conditions, in addition to all other requirements:

(1) The main antenna shall be as efficient as is practicable under the prevailing physical limitations and shall be adequately installed and protected so as to insure proper operation, and so as not to endanger the ship and the required radio installation. For the purpose of insuring adequate protection against failure of the main antenna installation when severe mechanical stress is suddenly applied, an approved "safety link"⁹ shall be provided as a component of this installation.

(2) The main transmitter shall be of the electron-tube type⁷ and shall be capable of meeting the requirements of § 8.552.

(3) The main receiver shall be capable of efficiently receiving radiotelegraph signals, classes A1 and A2 emission, on all frequencies within the bands 100 to 200 kilocycles and 350 to 515 kilocycles, and in addition class B emission within the band 485 to 515 kilocycles. In addition, it shall be fitted with a head receiver⁸ capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. Where

a loudspeaker⁸ is additionally provided for use in accordance with the provisions of § 8.204, such device also shall be capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive.

(4) There shall be readily available for use at all times under normal load conditions, when the vessel is leaving or attempting to leave a harbor or port for a voyage in the open sea, while being navigated in the open sea outside a harbor port, and when required during inspection of the ship radio station by an authorized representative of the Commission, a main power supply for the main radio installation capable of supplying electrical power sufficient to energize simultaneously and efficiently the main transmitter at its required antenna power¹⁰ and the main receiver; and at the same time to charge, at the required rate(s), all storage batteries used as the emergency power supply, and any other storage batteries which are charged by connection to this radio room main power supply. Under this load condition and at all times herein specified, the potential(s) of the main power supply at the radio room terminals shall not deviate from its rated electrical potential(s) by more than 10 per cent on vessels completed on or after July 1, 1941, nor by more than 15 per cent on vessels completed before that date.

(5) For the purpose of determining the potential(s) of the main power supply of the main transmitter at its radio room terminals, a suitable voltmeter or voltmeters of approved accuracy shall be permanently installed in the main radio operating room.

§ 8.504 Requirements of emergency or reserve installation. (a) All emergency or reserve installations on board vessels subject to Title III, Part II of the Communications Act shall comply with the following conditions, in addition to all other requirements:

(1) The emergency installation shall be capable of being placed in operation (by a qualified operator who is on duty at the operating location) within a maximum time of 1 minute after the need arises for its use.

(2) The emergency antenna shall be as efficient as is practicable under the prevailing physical limitations and shall be adequately installed and protected so as to insure proper operation in time of an emergency, and so as not to endanger the ship and the required radio installation.

(3) The emergency transmitter shall be of the electron-tube type⁷ and shall be capable of meeting the requirements of § 8.553.

(4) The emergency receiver shall be capable of efficiently receiving radiotelegraph signals, classes A1 and A2 emission, on all frequencies within the band 350 to 515 kilocycles, and class B emission on all frequencies within the band 485 to 515 kilocycles. In addition, it shall be fitted with a head receiver⁸ capable of effective operation at every audio

frequency from 200 to 3000 cycles per second, inclusive. Where a loudspeaker is additionally provided for use in accordance with the provisions of § 8.204, such device also shall be capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive.

(5) There shall be readily available for use at all times under normal load conditions, when the vessel is leaving or attempting to leave a harbor or port for a voyage in the open sea, while being navigated in the open sea outside a harbor or port, and when required during inspection of the ship radio station by an authorized representative of the Commission, an emergency power supply for the emergency installation (independent of the propelling power of the ship, and any other electrical system; and independent of the main power supply where a separate main and emergency or reserve installation is provided for the purpose of compliance with paragraph (a) of section 354 of the Communications Act) capable of supplying electrical power sufficient to energize simultaneously and efficiently the emergency transmitter at its required antenna power¹⁰ and the emergency receiver. Such emergency power supply shall be maintained in readiness to operate effectively and shall have a reserve capacity of at least 6 continuous hours at all times while the vessel is navigated outside a harbor or port and whenever the vessel leaves or attempts to leave a harbor or port of the United States for a voyage in the open sea.

(6) There shall be provided emergency electric lights of not less than 10 watts per unit, capable of being energized solely by the radio installation emergency power supply and connected thereto through individual fuses. These electric lights shall be capable of operation independent of any other electrical system and shall be arranged so as to provide satisfactory illumination of the main and emergency radio operating controls and radio station clock. The emergency lighting electrical circuits shall be arranged so as to avoid the application of excessive voltage to the emergency lights during the charging of any emergency batteries. The provisions of this subparagraph or of paragraph (j) of § 8.8 shall not preclude the use of any other power supply for energizing these lights solely as an additional provision.

(7) All emergency power supply circuits shall be appropriately fused to afford adequate protection from serious overloads or short-circuits.

(8) No electrical load circuits except those of the emergency installation (includes the required radio station emergency light(s)) shall be connected to the emergency power supply: *Provided*, That an approved automatic-alarm-signal keying device, or the audible warning apparatus associated with an approved auto-alarm receiver, or both, may be connected to that part of the emer-

⁸ Sec. 354 (a) of the Communications Act (Title III, Part II) provides that "The radio installation shall comprise a main and an emergency or reserve installation: *Provided*, however, That on a cargo ship, if the main installation complies also with all the requirements of an emergency or reserve installation, the emergency or reserve installation may be omitted."

⁹ A safety link may be described as a device which, under heavy stress, will operate to greatly reduce such stress without breakage of the antenna, the halyards, or any other antenna-supporting elements.

¹⁰ Upon proper application and satisfactory demonstration being made, the Commission for the purpose of this regulation will consider approval of transmitters other than those of the electron-tube type, except transmitters employing class B emission.

¹¹ See par. (kk) of § 8.7.

¹² The antenna power specified in § 8.552.

¹³ The antenna power specified in § 8.553.

gency power supply furnishing power to the emergency transmitter: *Provided further*, That the reserve capacity of the emergency power supply shall include the additional capacity required to energize, in a normal manner and to a normal extent, any keying device or audible warning apparatus that may be connected as herein authorized, including sufficient capacity to energize any keying device continuously for a period of one hour.

(9) The emergency power supply shall be located as near to the emergency transmitter and receiver as is practicable: *Provided*, That the location of such power supply complies with all applicable rules and regulations of the United States Coast Guard.

(10) The cooling system of all internal-combustion engines used as part of the emergency power supply shall be adequately protected or treated to prevent freezing or overheating consistent with the season and route to be traveled by the particular vessel involved.

(b) (1) The shipowner, operating company, or station licensee, if directed by the Commission or its authorized representative, shall prove by demonstration prescribed in subparagraphs (2), (3), (4) and (5) of this paragraph or by such other means as may be deemed necessary, that the emergency installation satisfies the 6-hour operating requirement of law.

(2) When the emergency power supply, on board a vessel required by law to be equipped with a radio installation, consists of or includes a storage battery, proof of the ability of such battery power supply to operate continuously and effectively over a prescribed period of time is authorized to be established by a discharge test over such prescribed period of time, when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by subparagraph (4) of this paragraph.

(3) When the emergency power supply, on board a vessel required by law to be equipped with a radio installation, consists of or includes an engine-driven generator, proof of the adequacy of the engine fuel supply to operate the unit continuously and effectively over a prescribed period of time may be established by using as a basis the fuel consumption during a continuous period of 1 hour when supplying power, at the voltage required for normal and effective operation, to an electrical load as prescribed by subparagraph (4) of this paragraph.

(4) The electrical load to be supplied by an emergency power supply for the purpose of establishing proof of required capacity shall be computed as the sum of all electrical loads presented by all other apparatus of the ship's radio installation which are connected to the emergency power supply under test. Allowances for intermittent use of such apparatus shall be made only in accordance with the following:

(i) The current supplied to the emergency transmitters may be computed as the current supplied when the transmitter is partially energized with the radiotelegraph key open plus one-fourth

the difference between the current supplied when such key is open and the current supplied when such key is closed.

(ii) The current drawn by the automatic-alarm-signal keying device specified in subparagraph (8) of this section (if such device is connected to the emergency power supply) may be computed as one-sixth of the current supplied when this device is properly energized.

(iii) The current drawn by an audible warning apparatus associated with an approved auto-alarm receiver specified in subparagraph (8) of this section may be considered as negligible.

(5) At the conclusion of the tests specified in subparagraphs (2) and (3) of this paragraph, no part of the emergency source of power shall have an excessive temperature rise, nor shall the specific gravity or voltage of the storage battery be below the 90 percent discharge point as determined from information (such as voltage curves or specific gravity tables) supplied by the manufacturer for the type of battery involved.

§ 8.505 Tests of emergency installation.

(a) On vessels required by law to be equipped with an emergency or reserve installation, the condition of this installation shall be determined by test and actual operation prior to the vessel's departure from each port²¹ (but not necessarily more than one each day) and on each day the vessel is outside a harbor or port. When storage batteries are used as an emergency power supply or are used for the purpose of starting an emergency engine-driven generator, tests shall be made of the charging circuits for polarity and correct charging rate. Hydrometer readings of the electrolyte of a pilot cell and such other cells as are necessary to determine the state of charge of an emergency lead-acid storage battery and voltage readings under normal load as are necessary to determine the state of charge of emergency storage batteries of other types shall be taken. When an engine-driven generator is used as an emergency power supply, a check shall be made of the quantity of fuel in the supply tank.

(b) When an automatic-alarm-signal keying device is installed in accordance with § 8.508, this device shall be operated to determine that it is in efficient operating condition prior to the vessel's departure from each port (but not necessarily more than once each day) and on each day the vessel is outside a harbor or port. To avoid the actual transmission of auto-alarm signals during such test operation, the radiotelegraph transmitter(s) to which this device is connected shall not be energized.

§ 8.506 Use of emergency installation.

(a) The emergency installation on board a vessel subject to Title III, Part II of the Communications Act, while being navigated in the open sea, is authorized to be used only for safety communication²²

²¹ It is recognized that in some cases, tank vessels cannot meet this requirement when in port because of the hazardous nature of the cargo being handled.

²² See par. (a) of § 8.6.

except that it may be used for other communication for a period not to exceed 1 hour per day in the aggregate. However, the emergency receiver and its emergency power supply (if such power supply is a storage battery) may be used at any time to maintain a watch for safety purposes, if such use will not reduce the ability of the emergency power supply to energize the emergency installation for a period of at least 6 consecutive hours.

(b) When more than one storage battery is installed on board a ship for the purpose of providing an emergency power supply in compliance with Title III of Part II of the Communications Act, any one of these batteries may be designated at any time as the required emergency power supply or a part thereof, upon the express condition that such battery, whenever so designated, is capable of energizing (independent of the propelling power of the ship and any other electrical system) the associated component or components of the emergency installation for a period of at least 6 consecutive hours.

(c) The emergency power supply on board a cargo vessel (on which a separate²³ main and emergency installation is not provided), subject to Title III, Part II of the Communications Act, while being navigated in the open sea, is authorized to be used only for safety communication²⁴ except that it may be used for other communication for a period not to exceed 1 hour per day in the aggregate.

(d) Any storage battery whether or not it is the emergency power supply or a part thereof may be used at any time to maintain a watch for safety purposes upon the express condition that such use will not reduce the ability of the emergency power supply to energize the emergency installation for a period of at least 6 consecutive hours as required by paragraph (f) of section 354 of the Communications Act.

§ 8.507 Routing of electrical wiring.

The electrical conductors connecting the main²⁵ power supply to the main radio installation and the electrical conductors connecting the emergency power supply to the emergency or reserve installation shall be routed so as to afford adequate protection from mechanical injury, shall be adequately protected from overload by fuses, and shall be kept clear of electrical grounds. If, because of the ship's structure, a long, indirect routing is necessary, an additional equivalent circuit shall be provided in each case over an alternate route.

§ 8.508 Automatic-alarm-signal keying device. After Jan. 1, 1952, each passenger ship of the United States and after July 1, 1952, each ship of the United States, which is subject to Title III, Part II, of the Communications Act shall be fitted with one or more automatic-alarm-signal keying devices of a type

²³ See par. (b) of § 8.502.

²⁴ Any source of power on board ship that constitutes a main power supply, as defined in § 8.8 (d), while it is being used as that type of power supply.

approved by the Commission in accordance with § 8.555.¹⁵

§ 8.509 *Installation of automatic-alarm-signal keying device.* (a) The automatic-alarm-signal keying devices required by § 8.508 shall be installed in an accessible location in the radio room so as to be capable of automatically keying alternatively either the main or the emergency transmitter. When only one automatic-alarm-signal keying device is installed for this purpose, means shall be provided in the radio operating room for instantly using this device to key alternatively either the main transmitter or the emergency transmitter: *Provided*, That whenever one transmitter is employed as both a main and emergency transmitter on board a cargo vessel, this requirement will be satisfied when the automatic-alarm-signal keying device is capable of automatically keying this transmitter only. Only one control shall be provided for starting and stopping each automatic-alarm-signal keying device; this control shall be located in the radio room.

(b) The required automatic-alarm-signal keying device shall be capable of operating automatically for a continuous period of at least 1 hour from a source of power independent of the propelling power of the ship and independent of any source of power other than the emergency power supply or the storage battery used to energize a required automatic-alarm receiver.

(c) Each automatic-alarm-signal keying device installed on board a vessel pursuant to § 8.508, shall be furnished with a durable nameplate bearing type and serial number and the month and year of completion by the manufacturer.

§ 8.510 *Auto-alarm.* (a) An auto-alarm which is installed and used on board a cargo vessel of the United States pursuant to the provisions of § 8.205, shall be a type of auto-alarm approved by the Commission in accordance with paragraph (x) of section 3 of the Communications Act.

(b) The Commission shall be informed in writing on the prescribed form¹⁶ immediately upon completion of each auto-alarm installation on board any vessel of the United States. Each report shall specify the type and serial number of the alarm, the name of the vessel, the date of completion of installation, the call letters and name of licensee of the ship radio station and the name of the owner and operating company of the vessel.

§ 8.511 *Installation of auto-alarm.* (a) A vessel shall be considered as fitted with an auto-alarm in accordance with the requirements of Title III, Part II of the Communications Act and the radio provisions of the Safety Convention when the auto-alarm is a type approved by the Commission as prescribed by § 8.510 and the auto-alarm installation on board such vessel complies with the conditions prescribed in the following paragraphs of this section.

(b) Each auto-alarm of a type approved by the Commission when first installed on board a vessel of the United States, shall bear an identifying serial number. Two or more principal components of one complete installation shall bear the same number. After the initial installation, if any principal component is entirely replaced, the substitute unit shall bear the serial number of the initial unit but must be identified in addition as a replacement. For this purpose the principal components of the following types of auto-alarms (approved prior to the effective date of § 8.554) are designated as follows:

(1) Radiomarine Corporation of America Models AR-8600 and AR-8600-X auto-alarms. One combined receiver and selector unit, without regard to container; one control and terminal box.

(2) Radiomarine Corporation of America Model AR-8601 auto-alarm. One combined receiver and selector unit, without regard to container; one control and terminal unit.

(3) Mackay Radio and Telegraph Company auto-alarms, Types 101-A and 101-B manufactured by Federal Telegraph Company. One selector unit without regard to container; one receiver unit, without regard to container.

(4) Mackay Radio and Telegraph Company auto-alarm, Type 5001-A. One combined receiver and selector unit, without regard to container.

(c) The auto-alarm shall be located in the main radiotelegraph operating room and shall be adequately installed and protected so as to insure proper operation. Means shall be provided for placing the entire system in or out of operation from the main radiotelegraph operating room. A simple change-over switch shall be provided to (1) disconnect the main antenna from all other equipment and connect it to the auto-alarm receiver and place the auto-alarm system in effective operating condition and conversely (2) de-energize the auto-alarm system and reconnect the main antenna to other equipment. In addition, suitable means of determining the supply voltages are within the limits required for proper operation of the auto-alarm system shall be provided.

(d) Approved apparatus shall be provided for giving an audible warning in the main radiotelegraph operating room, in the radio operator's cabin, and on the navigating bridge. This apparatus shall operate continuously after the auto-alarm has been actuated by an alarm signal or by failure of the auto-alarm system, until manually stopped. Only one switch for stopping the audible warning apparatus from functioning is authorized and this shall be located in the main radiotelegraph operating room and shall be capable of manual operation only.

(e) Failure of the auto-alarm (if of a type approved prior to the effective date of § 8.554) to function normally because of prolonged atmospheric (static) or other prolonged interference, or both, shall operate a visual indicator on the bridge. The type and method of installation of such visual indicator shall comply with requirements of the United States Coast Guard,

(f) When an auto-alarm is dependent for effective operation upon a power supply having a voltage within definite upper and lower limits, such auto-alarm shall be fitted with an auxiliary device which (1) will energize the audible alarms if and when this power supply fails or its voltage exceeds the limits specified by the Commission for the particular type of alarm involved; or (2) will automatically connect the auto-alarm to an auxiliary power supply, the voltage of which is within the specified limits.

(g) The testing device¹⁷ of the auto-alarm shall be adjusted to produce a test signal of the correct value. This adjustment shall be considered satisfactory when it becomes necessary to turn the sensitivity control from its position of lowest sensitivity (zero dial position) to its position of approximately one-third maximum sensitivity before the alarm can be actuated.

§ 8.512 *Auto-alarm instructions.* (a) There shall be furnished at least two sets of written instructions for the guidance of the ship station radio operator and ship's officers relative to the auto-alarm, which shall include:

(1) A general technical description of the auto-alarm, including a circuit diagram of the auto-alarm receiver and a wiring diagram of its complete installation on shipboard.

(2) A general explanation of its principles of operation.

(3) A list of faults which may be indicated by the sounding of the audible alarm.

(4) Explanation of how to correct faults, remove and replace defective parts and perform limited repairs at sea.

(5) Explanation of how to test the alarm and adjust the sensitivity control to the "optimum" setting, which shall be summarized upon a card and permanently attached to the front of the alarm in a conspicuous position.

(6) Explanation of the effect of various sensitivity control settings upon the operation of the alarm, which shall be summarized upon a card and permanently attached to the front of the alarm in a conspicuous position.

(7) Description of procedure to be followed with respect to operator making adjustments when alarm bell sounds and also in making log entries.

§ 8.513 *Interior communication system.* Pursuant to paragraph (g) of section 354 of the Communications Act, an efficient interior communication system shall be provided between the bridge of a ship and the radio room, in all cases where the radio room does not adjoin or open onto the navigating bridge structure; further, an efficient interior communication system shall be provided between the bridge and the location of the direction-finding apparatus whenever the latter is not located on the bridge or within any compartment adjoining or opening onto the navigating bridge structure. When the operating position of the emergency radio installation is not located in the compartment

¹⁵ The provisions of § 8.508 supersede Order No. 114 of the Commission, and said order is hereby canceled.

¹⁶ FCC Form No. 500, available upon request, should be used for this purpose.

¹⁷ See § 8.206 relative to required testing of the auto-alarm.

normally used for operating the main radio installation, an efficient interior communication system shall be separately provided between the bridge and each of these radio operating positions.

§ 8.514 *Requirements for interior communication systems.* The interior communication systems required by § 8.513 shall be capable of providing efficient signalling and communication, shall be independent of any other communication system on the ship, and shall be a type of system approved by the United States Coast Guard. Further, the location and termination of individual systems shall be subject to approval by the Commission.

§ 8.515 *Radio station clock.* The radio station clock required by § 8.114, when installed on board a vessel subject to Title III, Part II of the Communications Act, shall, in addition to the requirements of § 8.114, have a sweep second hand and an hour dial not less than 5 inches in diameter, and shall be capable of operation for at least 8 days on one winding: *Provided*, That deviations from the requirements may be authorized by the Commission if such deviation does not adversely affect the reliability of the clock or the ability of the ship radio operator to transmit properly timed auto-alarm signals. A request for approval of any deviation from these requirements must be accompanied by a sample of the proposed clock face.

§ 8.516 *Direction-finder.* Each passenger ship of 5,000 gross tons or over which is subject to the requirement set forth in paragraph (a) (2) of section 351 of the Communications Act shall be equipped with an efficient direction-finder (radio compass) properly adjusted in operating condition and approved by the Commission in accordance with paragraph (h) of section 354 of the Communications Act and § 8.517.

§ 8.517 *Requirements for direction-finder.* (a) Pending final decision by the Commission in Docket 9797 in respect to this section as proposed in that docket, the following provisions shall continue in effect.

(b) The radio direction-finder apparatus (radio compass) installed on board a passenger vessel of 5,000 gross tons or over, in compliance with the requirements of law, shall be capable of efficiently receiving signals (at least types A2 and B emissions) on any frequency between 285 and 515 kilocycles, shall be accurately calibrated for the purpose of taking bearings from which the true bearing and direction may be determined, and shall be available for use whenever the vessel is being navigated outside a harbor or port.

(c) In addition to the provisions of paragraph (b) of this section, the radio direction-finding apparatus, to be approved by the Commission, shall be capable of efficiently receiving types A1, and A2 and B emissions if installed after January 1, 1940. If in the discretion of the Commission the direction-finding apparatus requires recalibration at any time as the result of official inspection or pertinent facts coming to the atten-

tion of the Commission, approval may be withdrawn pending such recalibrations.

§ 8.518 *Auxiliary receiving antenna.* On a vessel required by law to maintain a watch by a qualified operator or operators,³⁰ an effective auxiliary receiving antenna or other approved arrangement shall be provided whenever necessary to avoid unauthorized³¹ interruption or reduced efficiency of this watch by reason of unavailability of the normal receiving antenna for use during the period of time when a radio direction-finder on board the same vessel is being operated.

§ 8.519 *Lifeboat radio facilities.* Pursuant to section 355 of the Communications Act, every motor lifeboat required to be equipped with radio by treaty or convention to which the United States is a party, by statute, or by regulation made in conformity with a treaty, convention, or statute, shall be fitted with an efficient radio installation which complies with all requirements set forth in the following § 8.520.

§ 8.520 *Lifeboat radio installation.* (a) Each lifeboat radio installation which complies with the requirements of this section shall be deemed to be efficient for the purpose of section 355 of the Communications Act and to meet all requirements for such installations which the Commission has found necessary to promote the safety of life.

(b) The lifeboat radio installation shall include the following components, as a minimum:

(1) An antenna for transmitting and receiving, either fixed in usable position in the lifeboat or capable of being quickly placed in usable position by a person in the lifeboat while afloat; together with such antenna accessories as are necessary;

(2) An emergency radio transmitter, with radiotelegraph key;

(3) An emergency radio receiver, with headset;

(4) An emergency power supply of required capacity;

(5) The necessary material or device for a "ground" connection to the water when the lifeboat is afloat;

(6) Necessary operating instructions;

(7) Necessary auxiliary equipment and spare parts.

(c) Each of the components specified in paragraph (b) of this section shall be a type of apparatus or shall comprise such items as are approved by the Commission in accordance with the provisions of § 8.556, and, when applicable, §§ 8.557 and 8.558. When all components of any particular lifeboat radio installation have been approved by the Commission, the installation, as such, may be identified specifically as a complete type-approved lifeboat radio installation.

(d) A storage battery power supply of a lifeboat radio installation shall be capable at all times of operating the entire lifeboat radio installation for a period of at least 6 continuous hours in accordance with subparagraph (5), paragraph (a), of § 8.504. With the exception of the electric starter of the lifeboat

motor, the storage battery or batteries may be used, however, to operate equipment other than radio: *Provided*, Such additional use of the battery or batteries will not affect, adversely, the ability of the installation to fulfill the foregoing 6-hour radio operating requirement. All individual circuits connected to the transmitter storage battery shall be independently and properly fused.

(e) Any storage battery provided as a power supply for a lifeboat radio installation, or as a reserve power supply therefor, shall be kept adequately charged at all times while at sea. When the vessel is under way, provision shall be made for adequate charging of the storage batteries and the routine inspection of all batteries used to supply the power to lifeboat radio installations. The charging and routine inspection of such batteries shall not require their removal from the lifeboats in which they are installed. The necessary charging equipment shall be arranged so as not to interfere with the launching of the lifeboats, and for this purpose shall be easily and quickly removable. For new radio installations completed after January 1, 1940, in motor lifeboats of oceangoing passenger vessels, the charging circuit for the lifeboat radio storage battery or batteries (when such batteries are used as a source of power) shall be routed through the main radiotelegraph operating room of the vessel. A device which, during charge of the lifeboat radio battery or batteries will give a continuous indication of the polarity and the rate of such charge, shall be connected in this charging circuit, and shall be located in the main radiotelegraph operating room for purposes of frequent observation.

(f) In addition to the foregoing, lifeboat radio installations of the type set forth in §§ 8.557 and 8.558 shall comply with the following requirements:

(1) Storage batteries, if provided, shall be mounted in suitable containers that will provide protection from salt-water spray and also allow proper ventilation, subject to approval of the United States Coast Guard.

(2) Provision shall be made in so far as practicable, to shield the operator from the elements when the lifeboat is afloat in a heavy sea.

(3) The use of metal masts and stays, unless broken by insulators or of any structure at electrical ground potential at the masthead(s) is not permitted: *Provided, however*, That this limitation shall not prohibit the use of a metal mast or masts used as the antenna. Provision shall be made for the expeditious erection of the antenna system under adverse weather and sea conditions.

(g) The lifeboat radio installation shall be inspected and tested³² by a

³⁰ Subject to such limitations as may be imposed by the Administration having jurisdiction at foreign ports. It is necessary that each lifeboat transmitter be licensed by the Commission to insure compliance with the rules and regulations of the Commission, during the required tests with an actual antenna. Operation of a lifeboat transmitter is ordinarily authorized by the regular ship station license when it has been described in the application for such license and the authorization has been approved by the Commission. See § 8.68.

³¹ See Subparts H and I of this part.

qualified representative of the licensee within 24 hours prior to the ship's departure for sea from each port (except not necessarily more than once each week), and with the lifeboat afloat in a harbor or port of the United States when required by an engineer of the Commission. Such inspection afloat shall include an actual test of the transmitter (and receiver when required) connected to the regular lifeboat antenna(s) erected to determine that each is in effective operating condition. When testing with the lifeboat not afloat, the transmitter may be connected to an artificial antenna. The general result of any such inspection and test, whether or not made in a Commission engineer's presence shall be made known to the master of the vessel and shall be entered in the ship's radio station log or recorded in the ship's log if the ship is not provided with a radio station. Inspection of batteries shall be made at least once every seven days by a qualified representative of the licensee, and their condition, and specific gravity in the case of a lead-acid battery, or voltage under normal load in the case of other type batteries (including dry batteries when such batteries are permitted) shall be reported to the master and entered in the ship's radio station log or recorded in the ship's log if the ship is not provided with a radio station. The records of all inspections and tests shall be made available to duly authorized representatives of the Commission upon request. The shipowner, operating company, or station licensee, if directed by the Commission or its authorized representative shall prove by demonstration, as may be deemed necessary, that a storage battery used for a required lifeboat radio installation is capable of energizing this installation for the required period of time as is stipulated for an emergency power supply in paragraph (b) of § 8.504.

§ 8.521 *Auxiliary equipment and components.* (a) On board all vessels subject to Title III, Part II of the Communications Act, sufficient tools to make any minor adjustments of the main and emergency radio installation shall be provided, together with spare parts and auxiliary equipment sufficient to maintain the installations in efficient working condition. These spare parts and this auxiliary equipment are designated in §§ 8.522 to 8.524, inclusive. Pursuant to the provisions of § 8.525, they shall be located so as to be readily accessible to the radio operator in an emergency.

(b) In addition to the spare parts required by § 8.522, and the auxiliary equipment required by § 8.523, spare parts as are specifically designated in special lists²⁰ promulgated by the Commission pursuant to the provisions of section 356 (a) (2) of the Communications Act shall be provided for transmitters, receivers, auto-alarms, direc-

tion-finders, lifeboat radio installations, and other required equipment which have been given type approval by the Commission.

§ 8.522 *General spare parts.* (a) The following spare parts are considered indispensable for the general maintenance of the appropriate shipboard radio installations in efficient working condition on board vessels subject to Title III, Part II of the Communications Act:

(1) Sufficient wire of good electrical conductivity and suitable insulators for the erection of a single-wire antenna of the same configuration and linear dimensions as the main transmitting antenna but not less than 300 feet of such wire and not less than two such insulators; or an assembled single-wire transmitting antenna (including suitable insulators) of the same linear dimensions as the main transmitting antenna.

(2) One sleeve bearing of each type used by all rotating machinery which is a component part of the radio installation required by law.

(3) One complete set of brushes for each unit of rotating machinery which utilizes brushes.

(4) Renewable fuse-cartridges of each type used in connection with units of the radio installation in the amount of at least one-half the number of each size and type in actual use. For each renewable fuse-cartridge in actual use, there shall be available six spare fuse links of appropriate capacity. For each non-renewable fuse in use, there shall be available six spare fuses of the same type and of appropriate capacity.

(5) One spare electric light bulb for each emergency light required by § 8.504 (a) (6).

§ 8.523 *General auxiliary equipment.* (a) The following auxiliary equipment is considered indispensable for the general maintenance of the appropriate shipboard radio installations in efficient working condition on board vessels subject to Title III, Part II of the Communications Act.

(1) One 1- to 2-inch screwdriver with approximately 1/8-inch blade.

(2) One 4- to 6-inch screwdriver.

(3) One set of assorted end wrenches or socket wrenches, or one adjustable end wrench.

(4) One pair 5- to 8-inch side-cutting pliers.

(5) One high-resistance direct-current voltmeter having a resistance of at least 1,000 ohms per volt and capable of measuring 2, 6, and 110 volts with an accuracy of at least 3 percent except that on ships where the normal radio room power supply voltage is higher than 110 to 120 volts direct current, the voltmeter shall be capable of measuring this line voltage and 2 and 6 volts with an accuracy of at least 3 percent.

(6) One electric flashlight, two-cell or larger, complete with bulb and battery, or one portable emergency electric lamp (protected from mechanical injury) with at least 10 feet of flexible cord and means for rapid connection to the emergency source of power. One spare bulb of the type used shall be provided.

(7) One hydrometer for use with lead-acid batteries when this type of battery is installed.

(8) Approximately one gallon or more of distilled water, or the same amount of any kind of water suitable for use in the type of storage batteries installed.

(9) Instruction book(s) and circuit diagrams, including modifications covering transmitter(s), receiver(s), and direction-finder, if a direction-finder is required.

(10) Effective on and after January 1, 1953, one electric soldering iron of at least 100 watts rated power, which is capable of operating from a source of power available in the room or cabin housing the required radio apparatus; and at least one-half pound of solder with appropriate non-corrosive soldering flux (for example, rosin-core solder).

§ 8.524 *Spare parts for specific apparatus.* (a) Prior to the Commission's approval of a particular type of marine transmitter, receiver or direction-finder, and prior to the issuance of associated specific lists²⁰ of required spare parts and auxiliary equipment, the following spare parts and auxiliary equipment relative to specific apparatus shall be provided in addition to those stipulated in §§ 8.522 and 8.523.

(1) For each electron tube transmitter (other than lifeboat transmitter). One radio-frequency oscillator tube, one tube for each radio-frequency amplifier stage, and, if used to provide A2 emission, one audio-frequency oscillator tube. One tube for a main transmitter or two tubes for an emergency transmitter intended for use in the radio-frequency circuit of transmitters of the self-rectified, simple oscillator type. One anode power-supply rectifier tube for each such tube used. One resistor of each type used as a grid leak; one resistor of each type as used in voltage divider of grid-blocking keying circuit; one resistor of each type as used in series with keying relay winding. The value of each resistor shall be clearly indicated thereon.

(2) *Receivers (other than lifeboat receivers).* One complete spare set of tubes for the receiver(s). One headset (telephone receiver) complete with connecting cord, and, if used, a cord-terminal plug.

(3) *Direction-finders.* One complete set of tubes for the radio receiver incorporated in the direction finder, when a direction-finder is required.

(4) *Lifeboat radio installations.* One complete set of spare parts specifically designated and promulgated by the Commission for the particular type of installation which is type-approved in accordance with § 8.556, and when applicable §§ 8.557 and 8.558.

(5) *Auto-alarms.* One complete set of spare parts specifically designated and promulgated by the Commission for the particular type of auto-alarm which is type-approved in accordance with § 8.554.

§ 8.525 *Location of spare parts.* (a) Spare parts for the direction-finder re-

²⁰ Lists of spare parts required for specific types of equipment approved by the Commission are furnished to its inspectors in charge at principal ports and are available to others upon request.

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ceiver shall be kept in the same compartment or room in which this receiver is located.

(b) Spare parts and auxiliary equipment for the radio-equipped lifeboat shall be kept in the lifeboat cabin housing the radio equipment.

(c) The spare emergency light bulb(s) shall be mounted in close proximity to the corresponding emergency light socket(s).

(d) The antenna wire, antenna insulators, and distilled water, respectively, may be retained in the radio operating or elsewhere: *Provided*, The antenna material is readily accessible to the radio operator in an emergency.

(e) All other spare parts and auxiliary equipment shall be securely retained preferably in a single space, readily accessible to the radio operator in an emergency, in the main radiotelegraph operating room, or, if desired, in any associated room adjacent to and connected with the main radiotelegraph operating room by an interconnecting doorway.

(f) The space(s) allocated for the location of spare parts and auxiliary equipment in accordance with paragraph (e) of this section shall be used *only* for this purpose, and such space(s) shall be appropriately and conspicuously marked.

(g) All required spare parts and auxiliary equipment shall be available for observation by authorized representatives of the Commission at the time of inspection of the ship radio installation.

SUBPART S—TYPE APPROVAL OF COMPULSORY SHIPBOARD EQUIPMENT

§ 8.551 *Scope of type approval.* (a) Approval by the Commission of a particular type of equipment in accordance with the provisions of any section or sections of this subpart, for use on board ships for the purpose of compliance with Part II of Title III of the Communications Act, is extended to all equipment of the same identical type, design, and construction, which is manufactured by the same person.

(b) For the purpose of determining compliance with sections 351 (a), 354 (c), (d), (e), and 356 (a) of the Communications Act, the term "transmitter" means a transmitter proper, together with all auxiliary equipment which is deemed necessary to make this unit operate efficiently as a main and/or emergency transmitter in a ship station at sea. For this purpose, each separate motor-generator, rectifier or other unit required to convert the power available as a primary source or sources on the ship, to the phase, frequency, and/or voltage necessary to energize the transmitter proper is construed to be a component of the transmitter.

§ 8.552 *Requirements for main transmitter.* (a) A main electron-tube transmitter, regardless of the date of its completion, installation, or modification, will be type-approved by the Commission as capable of meeting the relevant requirements of section 354, paragraphs (c) and (d), of the Communications Act if it is demonstrated to the satisfaction of the Commission that the transmitter involved, or a transmitter of the same

identical type, is capable of meeting the specific requirements of paragraphs (b), (c), and (d) of this section: *Provided*, That if deemed necessary, a demonstration of the capabilities of an individual main transmitter installed on board a ship may be required to determine com-

pliance with any or all of the following provisions of this section before initial or continued type approval of such transmitter will be given by the Commission.

(b) Tabulation of basic technical requirements:

Operating carrier frequency	Frequency tolerance	Class of emission	Percentage ¹ modulation (for amplitude modulation)	Modulation frequency (for amplitude modulation)	Antenna power
500 kc.....	If installed prior to Jan. 1, 1953: 0.3 percent; after Jan. 1, 1957, or after a date (not before Jan. 1, 1953), specified by effective provisions of the International Radio Regulations (Atlantic City, 1947), whichever date first occurs, such transmitters shall maintain 0.1 percent tolerance. If installed after Jan. 1, 1953: 0.1 percent.	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 200 watts into an average ship station antenna.
Do.....	do.....	A1			Not less than 160 watts into an average ship station antenna.
375 kc ² and one authorized working frequency in the band 415 to 490 kc.	do.....	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 200 watts into an average ship station antenna.
Do.....	do.....	A1			Not less than 160 watts into an average ship station antenna.

¹ In determining percentage modulation, the following concept is taken into account. In linear modulation, the average amplitude of the envelope is equal to the amplitude of the unmodulated wave, provided there is no zero-frequency component in the modulating wave (as in telephony). For modulating waves having unequal positive and negative peaks, positive and negative modulative factors may be defined as the ratios of the maximum departures (positive and negative) of the envelope from its average value, to its average value.

² The frequency 410 kc, when ordered by the Commission, shall be required in lieu of 375 kc.

For the purpose of these specific requirements, the term "average ship station antenna" means an actual antenna installed on board ship having a capacitance of 750 micromicrofarads and an effective resistance of 4 ohms at a frequency of 500 kilocycles, or an artificial (dummy) antenna having the same electrical characteristics.

(c) A main transmitter shall be capable of efficient operation at its required antenna power when adjusted to any required operating frequency and when energized by the main power supply of the ship station in which it is installed or a power supply equivalent thereto: *Provided*, That the potential of the main power supply or equivalent power supply is maintained within the tolerance specified in § 8.503; shall be capable of being adjusted rapidly for operation on any one of its required operating frequencies; and shall conform with all other applicable rules of this part.

(d) A main transmitter shall be equipped with suitable indicating instruments of standard accuracy and reliability to measure (1) the current in the antenna circuit, (2) the potential of the heating current applied to the cathode or cathode heater of each electron tube or a potential directly proportional thereto, and (3) the anode current of the radio frequency oscillator or amplifier which supplies power to the antenna circuit, or in lieu thereof, the anode current of such oscillator or amplifier plus the anode current of any

other radio or audio frequency oscillator(s) or amplifier(s) normally employed as part of the transmitter.

(e) Measurements for the purpose of demonstrating compliance with the specific requirements of this section shall be made by methods acceptable to the Commission.

(1) The antenna power shall be determined by the product of the square of the antenna current and the antenna resistance at the operating carrier frequency, both measured at the same point in the antenna circuit and at approximately ground potential.

(f) Each transmitter which was not in existence prior to February 1, 1938, but which is installed after that date on board a vessel in order to comply with the provisions of this section, shall be furnished with a durable name plate with the month and year of its completion permanently inscribed thereon.

(g) (1) A main transmitter, completed prior to January 1, 1952, shall be provided with an arrangement for conveniently reducing the plate input power of such transmitter to approximately one-half of its rated plate input power.

(2) A main transmitter, completed in construction subsequent to January 1, 1952, which is capable of a plate input power exceeding 450 watts, shall be provided with an arrangement readily permitting the use of a plate input power for telegraphy which is not in excess of 200 watts; unless there is available in the same station a duly authorized radiotelegraph transmitter capable of op-

eration on the radio-channels required for a main transmitter, capable of being energized by a source of power other than the emergency power supply installed for compliance with applicable provisions of treaty or statute, and not capable of a plate input power in excess of 450 watts when operated on frequencies within the band 365 kc. to 515 kc.

§ 8.553 *Requirements for emergency transmitter.* (a) An emergency electron-tube transmitter will be type-approved by the Commission as capable of meeting the relevant requirements of section 354 (c) and (f) of the Communications Act if it is demonstrated to the satisfaction of the Commission that the transmitter involved, or a transmitter of the same identical type, is capable of

meeting the requirements of paragraphs (b), (c) and (d) of this section when energized for a period of at least six continuous hours by a power supply equivalent to the radio station emergency power supply which is, or will be, available on board the vessel on which the transmitter is, or will be, installed and operated: *Provided*, That if deemed necessary a demonstration of the capabilities of an individual emergency transmitter installed on board a ship may be required to determine compliance with any or all of the following provisions of this section before initial or continued approval of such transmitter will be given by the Commission.

(b) Tabulation of basic technical requirements:

Operating carrier frequency	Frequency tolerance	Class of emission	Percentage modulation ¹ (for amplitude modulation)	Modulation frequency (for amplitude modulation)	Antenna power
500 kc.....	If installed prior to Jan. 1, 1953: 0.3 percent; after Jan. 1, 1957, or after a date (not before Jan. 1, 1953) specified by effective provisions of the International Radio Regulations (Atlantic City, 1947) whichever date first occurs, such transmitters shall maintain 0.1 percent tolerance. If installed after Jan. 1, 1953: 0.1 percent. The requirement of 0.1 percent tolerance, however, need not be met by emergency transmitters whose use is confined solely to safety communication as defined in sec. 8.6 (a); such transmitters shall maintain a frequency tolerance of 0.3 percent with no limiting date applicable.	A2	Not less than 70; not more than 100.	At least 1 frequency between 300 and 1250 cycles per second; except for transmitters installed after July 1, 1951, at least 1 frequency between 450 and 1250 cycles per second.	Not less than 25 watts into an average ship station antenna.
875 kc ² and 1 authorized working frequency in the band 415 to 490 kc.	do.....	A2	do.....	do.....	Do.

¹ In determining percentage modulation, the following concept is taken into account. In linear modulation, the average amplitude of the envelope is equal to the amplitude of the unmodulated wave, provided there is no zero-frequency component in the modulating wave (as in telephony). For modulating waves having unequal positive and negative peaks, positive and negative modulative factors may be defined as the ratios of the maximum departures (positive and negative) of the envelope from its average value, to its average value.

² The frequency 410 kc, when ordered by the Commission, shall be required in lieu of 375 kc.

For the purpose of these specific requirements, the term "average ship station antenna" means an actual antenna installed on board ship having a capacitance of 750 micromicrofarads and an effective resistance of 4 ohms at a frequency of 500 kilocycles, or an artificial (dummy) antenna having these same electrical characteristics.

(c) In addition to the foregoing specific requirements, an emergency transmitter shall be capable of efficient operation at its required antenna power when adjusted to any required operating frequency and, when energized by the emergency power supply of the ship station in which it is installed or by a power supply equivalent thereto, shall be capable of being adjusted rapidly for operation on any one of its required operating frequencies, and shall conform with all other applicable rules of this part.

(d) An emergency transmitter shall be equipped with suitable indicating instruments of standard accuracy and reliability to measure the current in the antenna circuit and, if completed by the manufacturer after January 1, 1944, the potential of the heating current applied to the cathode or cathode heater of each

electron tube or a potential directly proportional thereto.

(e) Measurements for the purpose of demonstrating compliance with the specific requirements of this section shall be made by methods acceptable to the Commission.

(1) The antenna power shall be determined by the product of the square of the antenna current and the antenna resistance at the operating carrier frequency, both measured at the same point in the antenna circuit and at approximately ground potential.

(f) Each transmitter which was not in existence prior to February 1, 1938, but which is installed after that date on board a vessel in order to comply with the provisions of this section, shall be furnished with a durable name plate with the month and year of its completion permanently inscribed thereon.

§ 8.554 *Requirements for auto-alarm.*

(a) To be approved by the Commission pursuant to section 3 (x) of the Communications Act subsequent to January 1, 1951, each type of auto-alarm not approved prior to that date shall comply with the following requirements: *Provided, however*, That the Commission

may, in its discretion, approve an automatic alarm receiver which complies with these requirements and can be actuated by the distress signal ... — — — : *Provided, further*, That prior to the effective date of the Safety Convention (London, 1948) the Commission may, in its discretion, approve subsequent to January 1, 1951, a type of auto-alarm which is not less efficient nor less reliable than any type approved prior to that date, and which complies with some, but not necessarily all, of the requirements set forth in this section.

(1) *Basic technical requirements.* (i) The auto-alarm shall be capable of being operated by either three or four consecutive dashes when the dashes vary in length from 3.5 to as near 6 seconds as possible and the spaces vary in length between 1.5 seconds and the lowest practicable value, preferably not greater than 10 milliseconds.

(ii) In the absence of interference of any kind, without manual adjustment during operation, the auto-alarm shall be capable of positive and reliable operation with a minimum available signal of 100 microvolts from the antenna circuit. It shall be capable under these conditions of operation on signals of the following classes of emission:

(a) A2 (carrier modulated 30 percent at each modulation frequency from 300 to 1350 cycles per second, inclusive).

(b) B (at each tone frequency from 300 to 1350 cycles per second, inclusive).

(iii) The overload capacity must be sufficient to enable the auto-alarm to operate with inputs from the antenna circuit up to 1 volt, under normal operating conditions.

(iv) The auto-alarm shall respond to the alarm signal through interference (provided it is not continuous) caused by atmospheric and powerful signals other than the alarm signal. In the presence of atmospheric or interfering signals, the auto-alarm shall automatically adjust itself so that within a reasonably short time it approaches, in so far as is practicable, the condition in which it can most readily distinguish the alarm signal.

(v) The auto-alarm receiver shall be capable of operating when the received auto-alarm signals have a radio frequency of 500 kilocycles with a sensitivity as set forth in subdivision (ii) of this subparagraph and shall, in addition, respond without adjustment and with the same sensitivity to signals having any radio frequency from 492 to 508 kc, inclusive. With respect to the reception of signals having a radio frequency outside the band 492 to 508 kc, the sensitivity of the auto-alarm shall decrease as rapidly as possible, in conformity with the best engineering practice.

(vi) The auto-alarm must not be operated, so as to actuate the warning device, by atmospheric or by any signal from the antenna circuit other than the alarm signal: *Provided*, That received signals other than the alarm signal itself do not in fact constitute a signal falling within the tolerance limits indicated in subdivision (i) of this subparagraph.

(vii) When operated by an alarm signal, or in the event of failure of the

auto-alarm apparatus, the auto-alarm shall cause a continuous audible warning to be given in the principal radiotelegraph operating room, in the radio operator's cabin, and on the bridge. In so far as may be practicable, the audible alarm shall also be given in the event of any failure of the auto-alarm system, as a whole, which results in the auto-alarm becoming inoperative.

(viii) For the purpose of regularly testing the auto-alarm, without connection to the antenna, the apparatus shall include a generator pre-tuned to the 500 kc distress frequency and a keying device by means of which an alarm signal of minimum strength approximately as indicated in subdivision (ii) of this subparagraph is produced solely for actuating the particular auto-alarm and is not radiated beyond the immediate area of the vessel.

(2) *Requirements as to construction.*

(i) The auto-alarm shall consist essentially of:

(a) A radio receiver capable of receiving emissions of classes A2 and B over the entire frequency range 492 to 508 kc, inclusive.

(b) A selector device capable of selecting the alarm signal specified under subparagraph (1) (i) of this paragraph.

(c) A suitable form of audible alarm (minimum of 3 units required).

(d) A testing device to determine locally that the auto-alarm system is effectively operative.

(ii) The auto-alarm may be constructed in one or more units, but must be independent of the ship's regular radio receiving apparatus.

(iii) A telephone jack shall be provided to permit reception, if desired, by a telephone receiver.¹

(iv) Tuning and timing controls shall not be accessible to the exterior of the device and shall be so designed and housed as to permit adjustment with special tools only.

(v) Once set into operation the audible alarms must continue to function until switched off in the principal radiotelegraph operating room.

(vi) A nonlocking or momentary-throw switch shall be provided to permit temporary disconnection of the audible alarm on the bridge and in the operator's quarters when the auto-alarm system is being tested.

(vii) The receiver and selector shall be of rugged construction throughout, capable of withstanding continuous and severe vibration equivalent to conditions that may be experienced on board a ship under the worst possible conditions and capable of continuous operation over long periods of time.

(viii) All units of the auto-alarm system shall be designed and constructed in accordance with generally accepted principles and practices of modern electronic engineering.

(ix) The auto-alarm system shall not be affected by sudden changes in ambient temperature between zero degrees centigrade and 50 degrees centigrade, shall not be affected by salt atmosphere, and by humidity conditions as high as

90 percent at a temperature of 40 degrees centigrade.

(x) Condensers, transformers, or other units shall not contain compounds which will flow at temperatures below 85 degrees centigrade, which will crack at temperatures above 0° centigrade, which are hygroscopic or which contain any corrosive substance.

(3) *Requirements as to testing and approval.* (i) Before an auto-alarm receiver will be approved by the Commission pursuant to paragraph (x) of section 3 of the Communications Act, a sample type of such auto-alarm receiver must be submitted for the purpose of demonstrating by means of suitable laboratory and field tests, that it complies with these requirements. Such tests will be conducted by the Commission, and other cooperating United States Government departments or agencies as may be appropriate, under the test specifications set forth under subparagraph (5) of this paragraph.

(ii) Failure to pass any specified test may result, by order of the Commission, in the discontinuance of all tests on the unit or component involved and the immediate rejection of the entire apparatus.

(iii) Manufacturers' tests of the complete device and/or of any components thereof shall be conducted in the laboratory or shop of the manufacturer(s). These tests shall be carried out in accordance with the provisions of subparagraph (4) of this paragraph.

(iv) Laboratory tests conducted by the Commission and/or by any other cooperating United States Government department or agency as may be appropriate, under test specifications prescribed by the Commission shall be at the expense of the manufacturer or person submitting the device for approval. A report of the tests conducted by the Commission, and/or other Government department, will be available to the Commission only: *Provided*, That such reports will be made available to the manufacturer involved at a subsequent date to be determined by the Commission.

(4) *Requirements as to manufacturers' tests.* (i) The following tests shall be conducted by the manufacturer of the auto-alarm device, who shall submit data in affidavit form showing that such tests have been made as herein-after required prior to submission of a working model for type tests: *Provided, however*, That properly authenticated data obtained from manufacturers of parts used in the construction of the device may be submitted in lieu of the results of such tests conducted by the manufacturer of the complete device. The Commission may require that any or all of the prescribed tests be witnessed by its representative(s).

(a) The insulation resistance of the windings and terminals to case and core of transformers and electromagnet coils and the dielectric resistance of condensers shall be measured and data recorded for the information of the Commission.

(b) Transformers and/or electromagnet coils shall be energized continuously

under normal conditions of operation for a period of one hour at an ambient temperature of 25 degrees centigrade. For purposes of making this test, maximum rated voltage at rated frequency with the secondary of transformers normally loaded and with the frame or enclosure grounded will be applied. Under these conditions the temperature of each transformer and/or electromagnet coil shall not be such as to affect injuriously any of the material used in construction and the temperature rise of the unit undergoing test shall not exceed 40 degrees centigrade at the end of one hour.

(c) Immediately after each transformer and/or electromagnet coil has been tested under subdivision (a) of this subparagraph, a test for breakdown capability will be made by applying between windings and between each winding and the core or enclosure, for a period of five minutes, a potential ten times the maximum rated effective potential of the circuit in which the coil or winding is connected.

(d) All components containing wax or other sealing, insulating or electrolytic compounds shall be placed in an oven and the ambient temperature brought to 75 degrees centigrade and maintained for a period of 15 minutes. They shall then be placed in a refrigerator and the ambient temperature brought to zero degrees centigrade and maintained for a period of 15 minutes. If sealing, insulating or electrolytic compounds flow during this oven test or crack during this refrigerator test, these units will not be acceptable for use as components in the device. The electrical characteristics of each unit shall be measured at these temperatures and any deviations from their normal ratings that would adversely affect the operation of the auto-alarm device shall preclude the use of that component.

(5) *Requirements as to laboratory tests.* (i) The following tests shall be conducted at the Commission's Laboratory at Laurel, Maryland, and shall be at the expense of the manufacturer or person submitting the auto-alarm for approval. The report of these tests will be furnished to the Commission only. Tests will be conducted as described in the following paragraphs with the auto-alarm connected to an artificial antenna consisting of a 20 microhenry inductance, a 500 micromicrofarad capacitor and a 5 ohm resistor connected in series. The received will be tested with its internal sensitivity control (if provided) set at maximum sensitivity, except where otherwise specified.

(a) Test of sensitivity of the auto-alarm at the radio frequency 500 kc to determine operation of the aural warning device.

(1) Measurement of minimum alarm signal input, A2 emission, 30 per cent modulated with a 300 cycles per second tone, required to operate aural warning device.

(2) Test of operation using 100 microvolts alarm signal input, A2 emission, 30 percent modulated with a 300 cycles per second tone.

¹ See par. (kk) of § 8.7.

(3) Test of operation using 1 volt alarm signal input, A2 emission, 30 percent modulated with a 300 cycles per second tone.

(4) Using A2 emission, 30 percent modulated with a 1350 cycles per second tone, test as in (1), (2), and (3) of this subdivision.

(5) Test of aural warning device operation with 50 microvolts noise input and 100 microvolts alarm signal, A2 emission, 30 percent modulated with a 300 cycles per second tone.

(b) Test to determine operation of aural warning device from a 100 microvolts alarm signal, A2 emission, 30 percent modulated with a 300 cycles per second tone transmitted on any radio frequency or frequencies selected by the Commission from 492 to 508 kc, inclusive.

(c) Test of auto-alarm operation with internal receiver sensitivity control (if provided) set at minimum setting at which 100 microvolts input on the radio frequency 492 kc will operate aural warning device with simultaneous inputs of 100 microvolts auto-alarm signal, A2 emission, 30 percent modulation with an 800 cycles per second tone on 492 kc and 200,000 microvolts, A2 emission (800 cycles per second modulation) unkeyed signal on the frequency 350 kc; similar tests with the same alarm signal and a 25,000 microvolts, A2 emission (800 cycles per second modulation) unkeyed signal on the frequency 460 kc; similar test with internal receiver sensitivity control (if provided) set at minimum setting at which 100 microvolts input on the frequency 508 kc will operate aural warning device with simultaneous input of A2 emission (800 cycles per second modulation) unkeyed signal on the frequency 540 kc at 25,000 microvolts; and similar test with this latter signal on the frequency 650 kc at 200,000 microvolts.

(d) Test of selector response to dashes from 3.5 up to 6.0 seconds in duration when the spaces between the dashes have a duration from 10 milliseconds to 1.5 seconds. These tests shall be made on the radio frequency 500 kc with an input of 100 microvolts, A2 emission, 30 percent modulated with 300 cycles per second tone.

(e) Test of ability to avoid selector response to the radio telegraph radio-location signal "MO," the "M" being sent in 3.5 seconds and the "O" in 4.5 seconds with 0.1 second space between dashes. These tests shall be made on the radio frequency 500 kc using 100 microvolts input, A2 emission, 30 percent modulated with a 300 cycles per second tone.

(f) Test of ability of the aural warning device to operate satisfactorily when the auto-alarm becomes inoperative under the following conditions:

(1) Filament burn-out of any electron tube in the apparatus;

(2) Failure of power supply.

(g) Tests to determine capability of proper operation of auto-alarm over long periods of time under any condition which may be expected on board ships while being navigated during extreme weather and sea conditions.

(1) The auto-alarm device shall be placed in operation for a period of one hour while subjected to each of the following conditions of temperature and relative humidity:

(i) 50 degrees centigrade and 50 percent relative humidity;

(ii) 30 degrees centigrade and 95 percent relative humidity;

(iii) Zero centigrade and 50 percent relative humidity.

(2) The auto-alarm device shall be placed in operation for a sufficient length of time under the following conditions to determine whether or not it will operate properly under such conditions:

(i) While the device is being rocked in such manner as to simulate a roll and pitch of 45 degrees from the vertical.

(ii) When subjected to severe vibration comparable to that which might be experienced on board ship, as for example when subjected to vibrations having a period between 20 and 30 cycles per second and an amplitude* of at least 0.03 inch in a direction at an angle of 30 to 45 degrees with the base of the device.

(h) Test of the testing device incorporated in the auto-alarm.

(i) Tests to determine satisfactory operation of the apparatus on a 500 kc alarm signal at temperatures of approximately 20 and 50 degrees centigrade. Tests to be made on the frequencies 500, 492 and 508 kc with an input of 100 microvolts, A2 emission, modulated 30 percent with a 300 cycles per second tone.

(j) General inspection of electrical and mechanical features.

(6) *Requirements as to field test.* (i) This test shall be conducted 24 hours a day for a period of not less than 30 consecutive days and shall be for the purpose of ascertaining the reliability of the auto-alarm and its freedom from false operation under practical interference conditions. For this test the auto-alarm shall be connected to an antenna typical of the average main antenna on shipboard and its operation shall be observed continuously during this period.

(ii) During this test period a minimum of 500 test alarm signals shall be transmitted locally while the test antenna is connected to the auto-alarm. The power used for the production of this test alarm signal shall be produced by a suitable radio frequency generator coupled to the antenna system. The receiver internal sensitivity adjustment (if provided) shall be set at the value designated by the manufacturer. During the official test period, adjustment of the auto-alarm shall not be made more than once in each 12 consecutive hours.

(iii) Tests for response to the alarm signal shall be made on at least the radio frequencies 492, 500, and 508 kc in a proportion on each frequency as determined by the Commission.

(b) Each type of auto-alarm approved by the Commission prior to the effective date of this section is approved, as to its type for use on board ship as provided by section 353 of the Communications Act or by the applicable provisions of the Safety Convention until such time as the

* 0.03 inch total excursion, i. e., 0.015 inch each side of the position of rest.

Commission in consideration of developments with respect to improved types of auto-alarms, may terminate, in accordance with appropriate rule making proceedings, such type approval.

(c) No change shall be made in any auto-alarm under the type approval identification issued by the Commission, except upon specific authorization by the Commission to make such change(s). When it is desired to make any change, an application therefor, together with pertinent detailed information shall be submitted to the Commission for consideration and appropriate action.

(d) Type approval of an auto-alarm when given by the Commission, may be for a limited period of time only, and is subject to withdrawal if the device proves defective in service and cannot be relied upon under usual conditions of maintenance and operation encountered on board ships at sea. Withdrawal of approval means that no further devices of the particular model affected may be installed, but will not immediately apply to such devices already installed unless it is found that there has been an unauthorized change in design or construction, or the material or workmanship is defective.

§ 8.555 *Requirements for automatic-alarm-signal keying device.* (a) To be approved by the Commission for use in compliance with § 8.508 and to be recognized as being capable of functioning in compliance with §§ 8.508 and 8.509. Each type of automatic-alarm-signal keying device shall comply with the requirements set forth in this section.

(b) No change shall be made in any automatic-alarm-signal keying device under the type approval identification issued by the Commission, except upon specific authorization by the Commission to make such change(s). When it is desired to make any change, an application therefor, together with pertinent detailed information shall be submitted to the Commission for consideration and appropriate action.

(c) Type approval of an automatic-alarm-signal keying device when given by the Commission, may be for a limited period of time only, and is subject to withdrawal if the device proves defective in service and cannot be relied upon under usual conditions of maintenance and operation encountered on board ships at sea. Withdrawal of approval means that no further devices of the particular model affected may be installed, but will not immediately apply to such devices already installed unless it is found that there has been an unauthorized change in design or construction, or the material or workmanship is defective.

(1) *Basic technical requirements.* (i) The automatic-alarm-signal keying device may consist of one or more units, either separate and distinct from other units of the ship's radio installation or may be incorporated, if approved by the Commission, as part of any other unit.

(ii) The device shall be designed so as to properly operate, on board ships at

* The provisions of this paragraph supersede any provisions of any order heretofore promulgated by the Commission which are in conflict herewith.

sea, the normal keying circuits of any transmitter approved by the Commission for use as a main or as an emergency transmitter in compliance with section 354 of the Communications Act of 1934, as amended.⁴

(iii) Timing-adjustment controls shall not be accessible from the exterior of the device and shall be designed and housed so as to prevent adjustment by unauthorized persons.

(iv) The keying mechanism shall operate so as to repeatedly transmit the alarm signal. For this purpose the dashes transmitted shall have a duration within the limits of 3.8 to 4.2 seconds, and spaces between each of the twelve dashes constituting a series shall have a duration within the limits of 0.8 to 1.2 seconds. Spaces between each series of twelve dashes shall have a duration within the limits of 0.8 second to one minute.

(v) A single control, protected so as to avoid accidental manipulation, shall be provided for placing the device itself into full operation within a maximum period of 30 seconds. Once set into operation, the device shall be capable of continuously and properly operating without further attention for a period of not less than one hour.

(vi) The automatic-alarm-signal keying device shall be capable of being energized solely by a source of power independent of the propelling power of the ship and independent of any other system: *Provided, however,* That the device may be energized by the radio station emergency power supply and any storage battery power supply regularly used for operating a required automatic alarm receiver.

(vii) When the proper operation of the device is dependent upon the maintenance of any inherent conditions of operating within relatively narrow limits, the Commission, as a provision of its approval, may prescribe such limits and require that the device shall include means for indicating to the operator when deviations from the conditions occur.

(viii) Instructions concerning the proper adjustment of the device and the correct indication of any instrument incorporated for the purpose of revealing improper operation, shall be inscribed in a durable manner on a plate mounted on the device in a position to be easily read by the operator.

(ix) Means shall be provided to insure that when the "on-off" control of the device is placed in the "off" position, the keying circuit to the radio transmitter(s) is automatically opened.

(2) *Requirements as to construction.* (i) The design of the automatic-alarm-signal keying device shall be in accordance with the modern engineering practice and the device shall be capable of operating under conditions of constant and severe vibrations and extreme variations of temperature and humidity equivalent to those experienced on board ships at sea under the worst possible conditions. This requirement applies only to use of the device on board such

types of vessels as are normally subject to Title III, Part II of the Communications Act.

(ii) A durable nameplate shall be mounted on each device showing the name of the manufacturer, the type and serial number and the month and year of completion by the manufacturer. However, this nameplate need not be provided on a working model submitted to the Commission for type testing and approval.

(3) *Requirements as to testing and approval.* (i) Before an automatic-alarm-signal keying device is approved by the Commission, a working model of the particular type for which approval is desired shall be submitted for inspection, and it shall be demonstrated by means of suitable type tests that it complies with these requirements. The model equipment will be operated in these tests in the same way and under conditions similar to those encountered in actual service. In connection with such tests, the manufacturer shall supply all instructions and/or services which are intended to be supplied to the purchaser of the equipment, including a proposed instruction book and a tentative list of spare parts as would normally be supplied with shipboard installations.

(ii) Failure to pass any specified test may result, by order of the Commission, in the discontinuance of all tests on the particular device involved and in the immediate rejection thereof: *Provided,* That the Commission, within its discretion, may relax to a reasonable extent the provisions of subparagraph (4), Requirements as to manufacturers' tests, with respect to an automatic-alarm-signal keying device which is included as an integral part of any automatic-alarm receiver approved by the Commission and completed by the manufacturer prior to the effective date of these requirements and type tests.

(iii) Manufacturers' tests of the complete device and/or of any components thereof shall be conducted in the laboratory or shop of the manufacturer(s). These tests shall be carried out in accordance with the following requirements under the heading "manufacturers' tests" and at the expense of the manufacturer or person submitting the device for approval.

(iv) Laboratory tests shall be conducted by the Commission, and/or by any other cooperating United States Government department as may be appropriate, under test specifications prescribed by the Commission and shall be at the expense of the manufacturer or person submitting the device for approval. A report of the tests conducted by the Commission, and/or other government department, will be available to the Commission only: *Provided,* That such reports will be made available to the manufacturer involved at a subsequent date to be determined by the Commission.

(v) Field tests, as deemed necessary or desirable.

(4) *Requirements as to manufacturers' tests.* (i) Tests shall be conducted by the manufacturer of the automatic-alarm-signal keying device, who shall

submit proof in affidavit form that they have been made as required, together with supporting data: *Provided, however,* That properly authenticated data obtained from manufacturers of parts used in the construction of the device may be submitted in lieu of the results of such tests conducted by the manufacturer of the complete device.

(ii) Sufficient tests shall be applied to all components to determine the durability of materials, character of workmanship, and that the electrical and/or mechanical characteristics are those required for efficient operation of the device.

(5) *Requirements as to laboratory tests.* (i) The automatic-alarm-signal keying device shall be capable of operating the keying circuit of any transmitter approved by the Commission for use as a main transmitter or as an emergency transmitter in compliance with section 354 of the Communications Act of 1934.⁵ For the purpose of demonstrating compliance with this requirement the transmitter keying circuit of the device shall be tested for a direct current carrying capacity of two amperes through a non-inductive resistance of 115 ohms. Terminals, electrical conductors and keying contacts shall be of sufficient size and properly spaced and insulated for these values of current and for the voltage which will necessarily be applied in this test. During this test, arcing shall not occur when the keying contacts are operated which would unduly affect the duration of the dashes and spaces between dashes, or which would otherwise adversely affect the operation of an approved radiotelegraph transmitter keyed by the device.

(ii) The automatic-alarm-signal keying device, if electrically driven, shall be capable of operation when the required electrical energy is furnished solely by an independent power supply. For the purpose of demonstrating compliance with this requirement, the following tests are prescribed:

(a) The device shall be operated continuously for a period of one hour from a power supply equivalent to the radio station emergency power supply or the required automatic alarm receiver storage battery power supply of vessels on which the device is to be used,⁶ or from a separate and independent source of power furnished as an integral part of the device. For this operation test the potential of the electrical power supply, if used, shall be varied over a voltage range of plus or minus 15 per cent of the rated potential of such power supply, during which the transmitted dashes shall have a duration within the limits of 3.8 to 4.2 seconds, and spaces between

⁴ A list of the types of transmitters approved by the Commission for this purpose will be furnished upon request.

⁵ Radio station emergency power supplies having potentials of 12, 24, and 110 volts are commonly used on board vessels of the United States. Twelve volt emergency power supplies are most common on these vessels. Some of the approved automatic alarm receivers used on board United States ships to date are energized by a storage battery power supply of either 6 or 24 volts.

⁶ A list of transmitters approved by the Commission for this purpose will be furnished upon request.

dashes shall have a duration within the limits of 0.8 to 1.2 seconds.

(b) The electrical circuits of the device shall be inspected and tested as may be necessary to determine whether or not they are properly fused for adequate protection of the device and the power supply.

(iii) The automatic-alarm-signal keying device shall be capable of properly operating the keying circuit of an approved radiotelegraph transmitter so as to transmit the alarm signal for a continuous period of one hour, under any condition which may be expected on board ships while being navigated during extreme weather and sea conditions. For this purpose the following tests are prescribed in addition to the test prescribed in subdivision (ii) of this subparagraph.

(a) The keying device shall be placed in operation for a period of one continuous hour while subjected to each of the following conditions of temperature and relative humidity:

(1) 50 degrees centigrade and 50 percent relative humidity.

(2) 30 degrees centigrade and 95 percent relative humidity.

(3) Zero centigrade and 50 percent relative humidity.

(b) The keying device shall be placed in operation for a sufficient length of time under the following conditions to determine whether or not it will operate properly under such conditions:

(1) While the keying device is being rocked in such a manner as to simulate a roll and pitch of 45 degrees from the vertical, that is, over an arc of 45 degrees in two planes normal to the horizon and perpendicular to each other.

(2) When subjected to severe vibration comparable to that which might be experienced on board ship, as for example when subjected to vibrations having a period between 20 and 30 cycles per second and an amplitude¹ of at least 0.03 inch in a direction at an angle of 30 to 45 degrees with the base of the device.

(3) The keying device shall be inspected to determine whether or not all delicate parts are properly enclosed and protected from moisture and from mechanical injury and whether or not components are accessible as may be necessary for inspection and repair, when in service.

(4) The keying device shall be inspected and tested as may be necessary to determine the effectiveness of adjustment controls and means for making these adjustments under service conditions, together with precautions taken to prevent tampering with adjustments.

(5) Indicating instruments (when provided²) and operating controls shall be inspected to determine whether indication is given that the device is in satisfactory operation when the starting control is placed in the "on" position and to determine that a single control for starting and stopping is provided, capa-

ble of placing the device in full operation within 30 seconds from the time the control is placed in the "on" position.

§ 8.556 Requirements for lifeboat radio equipment. (a) Each type of lifeboat radio installation shall, in order to be approved by the Commission pursuant to section 355 of the Communications Act and § 8.519 of this part, comply with the specific requirements set forth in either § 8.557 or § 8.558, and additionally in paragraphs (b) and (c) of this section.

(b) The components and assembly of the entire lifeboat radio installation shall insure the utmost dependable operation, and the design shall be such that heavy vibration and physical shocks to which a lifeboat is subject will cause no damage. All components shall be housed and treated so as to withstand saline dampness for extended periods without damage and to minimize the adverse effect of prolonged exposure to salt water or salt spray.

(c) Instructions shall be plainly marked on the apparatus in sufficient detail which will inform inexperienced or uninstructed personnel how to place the lifeboat radio equipment in operation and how to transmit appropriate signals for a sufficient period of time to enable vessels or land stations, within communication range and equipped with radio direction-finders, to determine the position of the lifeboat.

§ 8.557 Requirements for non-portable lifeboat radio equipment. (a) The following minimum requirements apply to lifeboat radio installations which are not intended to be portable in nature and which are designed primarily for fixed installations in the larger class of motor lifeboat:

(1) Assigned frequency on which transmitter operates: 500 kc.

(2) Class of emission of transmitter: A2.

(3) Frequency tolerance of transmitter: 0.5 percent.

(4) Power of transmitter: Not less than 75 watts plate input power to the oscillator or amplifier supplying power to the antenna when such oscillator or amplifier is effectively coupled to an antenna equivalent to that specified in subparagraph (5) of this paragraph.

(5) Antenna: A single wire inverted L-type for use not less than 20 feet above the water line with a horizontal section of the maximum practicable length.

(6) Receiver: Electron tube type, continuous frequency range of at least 350 to 550 kc and capable of reception of classes A1, A2, and B emission; equipped with a head receiver capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive.

(7) The type of power supply shall be: for the transmitter—a storage battery; for the receiver—dry cell battery and/or storage battery. The necessary power for the transmitter and receiver, at voltages other than the battery voltages, may be obtained by the use of a dynamotor or other suitable device approved by the Commission.

(8) The lifeboat radio transmitter shall be fitted with a radio frequency

ammeter of suitable range and scale, connected so as to indicate the current in the antenna circuit.

(b) In addition to compliance with the requirements of paragraph (a) of this section, each lifeboat radio installation shall be supplied with auxiliary equipment consisting of one screwdriver, one pair of side-cutting pliers, and one artificial antenna capacitor.

(c) In addition to compliance with the requirements of paragraph (a) of this section, the following designated spare parts, as specifically approved and identified by the Commission in relation to the particular type of approved installation, shall be supplied with each lifeboat radio installation:

(1) At least 35 feet of insulated wire suitable for use as antenna wire.

(2) Two antenna insulators.

(3) Two tubes for radiotelegraph transmitters, except when transmitter employs a single transmitting tube, in which case one tube is required.

(4) One complete set of tubes for the radiotelegraph receiver.

(5) One panel electric light bulb, if used.

(6) Renewable fuse-cartridges of each type used in connection with the units of the lifeboat radio installation or which are used in circuits connected to the lifeboat radio installation power supply in the amount of at least one-half the number of each size and type in actual use. For each renewable fuse-cartridge in actual use, there shall be available six spare fuse links of appropriate capacity. For each non-renewable fuse in use, there shall be available six spare fuses of the same type and appropriate capacity. If fuse wire is used, sufficient wire shall be provided to permit six complete fuse replacements.

§ 8.558 Alternate requirements for lifeboat radio equipment. (a) The minimum requirements set forth in the following paragraphs of this section apply to lifeboat radio installations which are provided in lieu of the type of installation described in § 8.557.

(b) The lifeboat radio installation shall consist of an efficient and reliable emergency transmitter and emergency receiver (such radio receiver to be provided with a head receiver capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive), an emergency power supply, an antenna wire and insulator assembly for use with a lifeboat sailing mast, an antenna wire and reel assembly for use with a balloon and a kite, an approved container of gas for inflating the balloon, an approved kite, a ground system, an artificial antenna, and such auxiliary equipment and spare parts as are prescribed in paragraphs (i) and (j) of this section, and shall comply with the following general requirements:

(1) The transmitter, receiver and power supply shall be enclosed in a single container: *Provided*, That operational parts of these components not adversely affected by immersion in sea water need not be so enclosed; and not more than two containers shall be required to house the complete installation. The container enclosing the transmitter, receiver

¹ 0.03 inch total excursion, i. e., 0.015 inch each side of the position of rest.

² See subpar. (1) (vii) and (viii) of this paragraph.

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and power supply shall be water-tight and capable of withstanding complete submersion in sea water for a continuous period of two hours without leakage. This container shall be capable of withstanding this submersion with all manual operating controls and all indicating devices and instruments unprotected from contact with sea water. Any other container provided shall be of durable and splash proof construction. Suitable protection shall be provided for the operating controls, indicating devices and instruments, including the microphone and the head telephone(s), against physical harm from accidental or inadvertent blows, and from the adverse effects of prolonged exposure to the weather. The container enclosing the transmitter, receiver and power supply shall be durably constructed of steel or aluminum, or alloys thereof, and shall be suitably protected against the adverse effects of sea water and saline dampness.

(2) The container housing the transmitter, receiver and power supply shall be provided with a non-corrosive cartridge type desiccator installed in a manner which will permit convenient inspection, maintenance and replacement.

(3) The physical dimensions and shape of the container(s) shall require the minimum amount of space consistent with the design of the equipment.

(4) The weight of the complete installation shall not exceed 160 pounds.

(5) The design and construction of the entire installation shall be such that no tools are required to place it in operation for routine tests or for emergency communication.

(6) All component parts used in the installation shall be of acceptable quality for marine service.

(7) The complete installation shall be efficient and reliable in its operation and shall be ruggedly constructed and capable of withstanding the shock and vibration to which a lifeboat may be subjected.

(8) Each installation shall be equipped with a durable name plate mounted on the transmitter, receiver, power supply or control panel, or made an integral part thereof, showing at least the following: The type or model number, the name of the manufacturer, the month and year of manufacture, and the rated power output for each frequency and each type of emission into each artificial antenna specified in § 8.205 (b) (1).

(9) Suitable printed instructions together with sketches covering the erection of the antenna(s) and operation of the equipment shall be permanently and conspicuously attached to the control panel or the surface of the transmitter, receiver and power supply container, or shall be made an integral part thereof. These instructions shall be as simple as possible consistent with the amount of detail required by an unskilled person to operate the equipment for automatic radiotelegraph communication and for radiotelephony. In addition, these instructions shall include sufficient information to permit an unskilled person to manually transmit the radiotelegraph distress signal . . . — — — and the auto-alarm signal and a statement that the latter signal is effective only if trans-

mitted on the frequency 500 kilocycles. These instructions shall be durable and waterproof.

(10) Each installation shall be provided with a copy of an instruction man-

ual covering the design, installation, operation and maintenance of the apparatus.

(c) (1) The radio transmitter shall comply with the following requirements:

Operating carrier frequencies	Frequency tolerance (percent)	Class of emission	Modulation percentage	Modulation frequency	Power into antenna supported by kite or balloon	Power into antenna supported by lifeboat mast
500 kc.....	0.5	A2	Not less than 70.	Not less than 450 nor greater than 1250 c. p. s.	Not less than 5 watts.	Not less than 2 watts.
500 kc.....	.5	A3	Not less than 70 nor greater than 100.	400 to 3000 c. p. s.	Not less than 4 watts unmodulated carrier.	Not less than 1.5 watts unmodulated carrier.
8280 kc.....	.02	A1	Not less than 70 nor greater than 100.	400 to 3000 c. p. s.	Not less than 4 watts.	Not less than 3 watts.
8280 kc.....	.02	A3	Not less than 70 nor greater than 100.	400 to 3000 c. p. s.	Not less than 4 watts unmodulated carrier.	Not less than 3 watts unmodulated carrier.

(2) The transmitter radio frequency control circuits shall be pretuned to the required frequencies and shall be of such design and construction that the operating frequencies are maintained within the prescribed tolerances under varying antenna circuit characteristics and conditions of adjustment. The frequency control circuit adjustment(s) shall be securely locked to prevent detuning as a result of shock or vibration and shall not be readily available to the person using the transmitter.

(3) The indicated modulation percentage shall be determined as the average of the modulation percentages of the positive and negative peaks.

(4) The indicated power into the antenna supported by the kite or balloon shall be developed on 500 kilocycles into an artificial antenna of 500 micromicrofarads capacitance and 15 ohms resistance, and on 8280 kilocycles into an artificial antenna of 300 ohms resistance.

(5) The indicated power into the antenna supported by the lifeboat sailing mast shall be developed on 500 kilocycles into an artificial antenna of 100 micromicrofarads capacitance and 10 ohms resistance, and on 8280 kilocycles into an artificial antenna of 50 ohms resistance.

(6) Controls shall be provided on the operating panel for efficient transfer of radio frequency energy at each required operating frequency to antennas having the following characteristics at 500 kilocycles; 80 to 750 micromicrofarads of capacitance and 10 to 20 ohms of resistance. An initial adjustment of these controls shall effectively resonate the antenna circuit at each required operating frequency and this condition shall be maintained without further adjustment of these controls during a normal operating period of the transmitter.

(7) Provision shall be made for keying the transmitter manually and by automatic means on 500 kilocycles and 8280 kilocycles. Provision shall be made for automatic transmission of the international radiotelegraph distress signal, in one or more groups of three such signals, followed by a continuous dash not less than 12 seconds nor more than 20 seconds in duration. Provision shall be made for automatically changing the operating frequency of the transmitter from 500 kilocycles to 8280 kilocycles, and vice versa, with a frequency transfer time interval not to exceed five seconds

so that the automatically keyed transmission sequence specified herein will take place alternately on 500 kilocycles and 8280 kilocycles. The speed of automatic telegraph transmission shall not exceed 16 words per minute. Simple and reliable controls shall be provided so that the operator of the transmitter can quickly and conveniently place it in operation in accordance with any of the three required modes of transmitter operation; that is, manual radiotelegraph, automatic radiotelegraph and manual radiotelephone operation: *Provided*, That not more than one manual switch adjustment shall be made to place the transmitter in operation for automatic radio-telegraph transmission, and under this condition of operation the receiver shall be completely de-energized. The transmitter and the receiver, including their controls, shall be arranged mechanically and electrically so that they can be operated efficiently and conveniently from the same operating position for manual radiotelegraph communication on the required operating frequencies and so that the time necessary to change from transmission to reception, and vice versa, on these frequencies is as short as possible and in no event more than ten seconds.

(8) The transmitter shall be equipped with reliable visual indicators (such as neon tubes) to indicate antenna resonance at each operating frequency with any antenna normally provided. Failure of these indicators shall have no effect on the actual operation of the transmitter.

(d) The emergency receiver shall comply with the following requirements:

(1) The receiver shall provide reception on the frequency 500 kilocycles and shall be capable of manual tuning between the frequencies 8100 and 8600 kilocycles for operation on the frequency 8280 kilocycles.

(2) The receiver shall be capable of responding to classes A2 and A3 emission on the frequency 500 kilocycles and on all frequencies in the range 8100 to 8600 kilocycles.

(3) The sensitivity of the receiver shall be such that at least 6 milliwatts of audio power is developed in a non-inductive load resistor having an ohmic value equal to the value of the load resistance into which the output audio amplifier stage is designed to operate, at a signal to noise power ratio of not less

than 10 to 1 when the receiver is supplied through the appropriate artificial antennas specified in paragraph (f) of this section with the following radio frequency signals:

Carrier frequency kilocycles	Signal strength microvolts	Modulation factor	Modulation frequency (cycles per second)
500.....	25	0.3	400
8280.....	100	.3	400

The noise power present in the output of the receiver when the receiver is adjusted for reception of classes A2 and A3 emission on the frequencies 500 kilocycles and 8280 kilocycles shall be determined with an unmodulated input signal of the indicated strength.

(4) The receiver shall be equipped with only one manually operated volume control. The effect of this control together with an automatic sensitivity control circuit, if used, shall permit the receiver to operate normally without overload when an input signal of one volt modulated 20 percent at 400 cycles per second is applied to the receiver input terminals through the appropriate artificial antennas specified in paragraph (c) of this section.

(5) The receiver shall be capable of maximum "undistorted" audio frequency output power of 10 milliwatts.

(6) The over-all electric fidelity of the receiver shall be such that with a zero decibel 1000 cycle reference the maximum response deviation at any frequency between 400 and 2000 cycles per second will not exceed 4 decibels.

(7) The selectivity of the receiver shall be at least as follows:

Ratio of input voltage off resonance to input voltage at resonance	Bandwidth at 500 kilocycles	Bandwidth at 8280 kilocycles
	Kilocycles	Kilocycles
10.....	20	30
100.....	40	60
1000.....	60	90

(e) The emergency power supply shall comply with the following requirements:

(1) The source of power shall be a manually operated electric generator capable of efficiently energizing the lifeboat radio installation.

(2) The mechanical power applied to the crank handle(s) or the propelling lever(s) of the generator driving mechanism shall not exceed a maximum of 0.15 horsepower for any required condition of operation of the lifeboat radio installation at any temperature of the generator and its associated driving mechanism between minus 30 degrees and 125 degrees Fahrenheit. Under these conditions the speed of rotation of the crank handle(s) shall not be greater than 70 revolutions per minute or the cycle of operation of the propelling lever(s) shall not be greater than 70 cycles per minute.

(3) The voltages applied to the radio installation shall not vary from their normal values more than 20 per cent at any generator speed in excess of the normal operating speed which can be manually developed.

(f) The antenna assemblies shall comply with the following requirements:

(1) The antenna assembly required for use with a balloon and a kite shall consist of a reliable reel constructed of materials resistant to the corrosive effects of sea water and saline dampness, containing 300 feet of flexible stranded or braided copper or copper alloy wire of high conductivity having a tensile strength of not less than 60 pounds. This wire shall be securely fastened at one end to the reel and effectively insulated electrically. If an insulating cord is used it shall have a tensile strength at least equal to that of the antenna wire, and the material(s) used therein shall be such that the cord is not weakened by kinking or wetting. This reel shall be associated with the container housing the transmitter, receiver and power supply in a manner which will provide mechanical protection and protection from the weather to the reel, and shall be designed and mounted in a manner which will permit convenient unwinding and rewinding of the antenna wire. Means shall be provided for conveniently and effectively connecting the antenna wire to the proper radio installation antenna terminal.

(2) The required balloon when inflated with gas shall be capable of effectively supporting the 300-foot antenna wire and shall comply with the requirements of § 8.560.

(3) The required container of gas shall be capable of effectively inflating the balloon, and shall comply with the requirements of § 8.560.

(4) The required kite shall be capable of effectively supporting the 300-foot antenna wire, and shall comply with the requirements of § 8.559.

(5) The required antenna assembly for use with a lifeboat sailing mast shall consist of a length of not less than 40 feet of No. 10 stranded copper wire having at least 80 strands, with the antenna insulators necessary for effective insulation of the antenna when used with a lifeboat sailing mast.

(g) The artificial antenna shall comply with the following requirements:

(1) The artificial antenna shall provide a reliable load for the transmitter, for test purposes at the frequencies 500 kilocycles and 8280 kilocycles, of approximately the same electrical characteristics as the mast supported antenna required by paragraph (c) (5) of this section.

(2) The artificial antenna shall be housed in a single container and provided with appropriate terminals for the necessary characteristics. If more than two terminals are provided on the artificial antenna, all the terminals shall be properly labeled. The physical dimensions of this container shall permit convenient storage of the unit in one of the containers specified in paragraph (b) of this section.

(h) The ground system shall comply with the following requirements:

(1) The radio installation when installed in a metal hull lifeboat shall be effectively grounded to the hull of the lifeboat. This ground connection shall

be physically located in a position where it is inaccessible to the normal movement of occupants or accessories in the lifeboat.

(2) The radio installation when installed in a lifeboat having a non-metallic hull shall be provided with a grounding conductor consisting of a length of not less than 20 feet of No. 10 bare stranded copper wire of equivalent copper braid effectively weighted at one end for immersion in the sea. This conductor shall be securely fastened to an effective ground terminal on the radio installation.

(i) In addition to compliance with the requirements of the foregoing paragraphs of this section, each lifeboat radio installation shall be supplied with auxiliary equipment consisting of one screwdriver and one pair of side-cutting pliers.

(j) In addition to compliance with the requirements of the foregoing paragraphs of this section, the following designated spare parts, as specifically approved and identified by the Commission in relation to the particular type of approved installation, shall be supplied with each lifeboat radio installation:

(1) One electron tube of each type used for normal operation of the radio installation in accordance with the requirements governing the installation, including neon or any other type of tube or lamp employed as resonance indicator(s).

(2) Six fuses of each type used which shall be of the same rating and interchangeable therewith.

(3) Where a kite and balloon are used for an antenna support, one spare 300-foot length of antenna wire of the type used which shall be of the same rating and interchangeable therewith.

§ 8.559 *Requirements for lifeboat antenna kites.* (a) Each type of kite supplied with a lifeboat radio installation as prescribed in paragraph (b) of § 8.558 shall, in order to be approved by the Commission, meet the following requirements:

(1) *Frame.* The frame may be of wood or of metal. It must be strong and be collapsible or be easily disassembled for storage. If of wood, the wood must be treated to prevent absorption of water, unless it naturally does not take up much water. If of metal, all the metal parts must be treated with a corrosion resistant finish, unless they are of non-corrodible material.

(2) *Cloth.* The cloth shall be of a strong and durable material. It shall have a thread count in warp and fill of not less than 115 and a tensile strength (grab method) of not less than 30 pounds in warp and fill. The material shall be fast dyed a bright yellow. The cloth shall be adequately treated so as to be water repellent. The finished cloth shall not be stiff or tacky even under wide ranges of temperatures.

(3) *Buoyant material.* The kite, when assembled for flying, must be buoyant. Any buoyant material added must be securely fastened to the kite and not seriously interfere with its flight.

(4) *Dimensions and shape.* The kite may be of any desired shape, such as box, etc., provided it can be easily assembled and handled.

(5) *Antenna connector.* Each kite shall be provided with a strong and secure means for the attachment of the antenna to the kite.

(6) *Instructions.* Each kite shall be accompanied by a set of instructions written in simple and clear language so that a person may assemble and fly the kite even though he may have had no previous experience with kites.

(7) *Container.* Each kite shall be packed in a rigid and sealed container. The container shall be as small as possible and shall be rigid enough to protect the kite even though it may be stepped upon by persons getting in a lifeboat. The container shall be easy to open and not require the use of tools. A metal tear-strip with a key removably soldered to the top is acceptable. The provision is not applicable if the kite is stowed in a watertight compartment with other components of the radio installation.

(8) *Marking.* Each container shall be permanently marked to show the contents, the name of the manufacturer, the place of manufacture, the date of packing, and the model number of the kite.

(b) *Tests.* Any samples or manufactured kites may be subjected to such tests as may be necessary to determine whether they are suitable for the purpose intended. Among the tests that may be performed are:

(1) *Storage test.* One year storage aboard ship or in a laboratory in which the container containing the kite may be subjected to Fahrenheit temperatures between 70 degrees below zero to 150 degrees above zero.

(2) *Use test.* The kite shall be removed from its container and sent aloft at Fahrenheit temperatures between 30 degrees below zero to 140 degrees above zero. The kite shall function properly and the cloth shall show no signs of serious cracking, brittleness, tackiness or other evidence of deterioration.

(3) *Launching test.* The kite shall be assembled, the antenna wire attached, and successfully launched by a person sitting in a lifeboat, the wind being of a velocity between 7 and 10 miles per hour.

(4) *Life test.* The kite shall raise and hold aloft in even flight an antenna approximately 300 feet long and weighing approximately 12 ounces. It shall maintain its flight at an angle of not less than 30 degrees in a wind of not more than 10 miles per hour.

§ 8.560 *Requirements for lifeboat antenna balloons.* (a) Each type of balloon and associated inflating apparatus supplied with a lifeboat radio installation as prescribed in paragraph (b) of § 8.558 shall, in order to be approved by the Commission, meet the following requirements:

(1) *Material.* The balloon may be constructed of any gas impermeable flexible material that can be relied upon to stand storage for long periods in a folded condition and will also withstand the effect of sunlight, temperature change, humidity, etc., likely to be encountered at sea. The material must be of such a nature that it can be easily packed, together with the valve and other gas filling fittings, into a rigid container of not more than 70 cubic inches capacity.

(2) *Gas.* The gas to be used for inflating the balloon must be non-flammable and at the same time provide adequate buoyancy. The gas shall be furnished in a strong steel cylinder having an over-all length of not over 30 inches and a diameter of not over 8 inches. A quantity of gas sufficient to inflate the balloon to a volume of 38 to 44 cubic feet shall be furnished in the steel cylinder. In lieu of steel cylinder filled with gas, a gas generator may be furnished. The generator must be fire-proof and the gas generated must not be of a flammable or explosive nature. A fitting or other means shall be supplied with the cylinder or the generator so that the balloon may be quickly and easily inflated and without excessive loss of gas even by an inexperienced person. Neither the gas cylinder, together with its gas, nor the gas generator, together with its chemicals, shall weigh over 40 pounds.

(3) *Dimensions and shape.* If spherical, the balloon shall be approximately 48 inches in diameter when inflated so as to provide a buoyancy of 20 ounces available for supporting an antenna. The balloon may be of any desired shape provided it supplies the 20 ounce lift. The use of fins or other means for providing stable flight of the balloon during windy periods is acceptable provided that the balloon can be packed away easily in the 70 cubic inch container.

(4) *Antenna connection.* Each balloon shall be provided with a strong and secure means for the attachment of the antenna to the balloon.

(5) *Valve.* Each balloon shall be fitted with a valve which will allow the balloon to be filled with gas in a quick and simple manner. If a gas generator is provided, the fitting shall be of such a nature that the balloon may be drained of any liquid that may have collected inside. Any metal parts of the valve must be made of non-corrodible material.

(6) *Instructions.* Simple, clear and concise instructions shall accompany each balloon so that a person who has never operated one before may successfully inflate it without injury to the balloon or excessive loss of gas. The instructions may be made in a permanent manner on the outside of the container.

(7) *Container.* Each balloon shall be packed in a rigid airtight container. The container shall not exceed 70 cubic inches capacity nor shall it be over 6 inches in any one dimension. Preferably, the container shall be filled with an inert gas so as to preserve the balloon. The can must be easy to open. A metal tear-strip around the top with a key removably soldered to the top is satisfactory.

(8) *Marking.* Each container shall be marked to show the contents, the name of the manufacturer, the place of manufacture, the date of packing, and the model number of the balloon.

(b) *Tests.* Any samples of manufactured balloons may be subjected to such tests as may be necessary to determine whether they are suitable for the purpose intended. Among the tests that may be performed are:

(1) *Storage test.* One year storage aboard ship or in a laboratory in which

the container containing the balloon may be subjected to Fahrenheit temperature between 70 degrees below zero to 150 degrees above zero.

(2) *Use test.* The balloon shall be removed from its container and inflated and sent aloft at Fahrenheit temperatures between 30 degrees below zero to 140 degrees above zero. The balloon shall function properly and show no signs of serious cracking, tackiness, stickiness or other evidences of deterioration.

(3) *Lift test.* The balloon shall be inflated with about 35 cubic feet of helium gas so as to inflate the balloon to its regular size. It shall then support an antenna of approximately 300 feet length and weighing approximately 12 ounces at an angle of not less than 30 degrees from the horizontal during a wind of not over 15 miles per hour. In the above lift tests, the balloon shall maintain the antenna aloft for 48 hours without further addition of gas.

SUBPART T—VIOLATIONS

§ 8.601 *Answers to notice of violation.*

(a) Any person receiving official notice of a violation of the terms of the Communications Act, any legislative act, Executive order, treaty to which the United States is a party, terms of a station or operator license, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such 3-day period, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. The answer shall contain a full explanation of the incident involved and shall set forth the action taken to prevent a continuation or recurrence thereof. If the notice relates to lack of attention to, or improper operation of the station, or to log or watch discrepancies, the answer shall give the name and license number of the licensed operator on duty.

(b) When an official notice of violation, impending violation, or discrepancy, pertaining to any provision of Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, is served upon the master or person responsible for a vessel and any instructions appearing on such document as issued by a representative of the Commission are at variance with the content of paragraph (a) of this section, then the instructions issued by the Commission's representative shall supersede those set forth in paragraph (a) of this section.

§ 8.602 *Reports of infringements of the International Radio Regulations.* In the event that infringement of the International Radio Regulations by a foreign station is detected, report thereof may be made by the submission to the Commission of a form similar to that set forth in Appendix 2 of the International Radio Regulations.

Tuesday, June 26, 1951

FEDERAL REGISTER

6131

Territory within district—		Address of the engineer in charge	Radio district	Territory within district—		Address of the engineer in charge	Radio district	Territory within district—	
States	Counties			States	Counties			States	Counties
1	Connecticut..... Maine..... Massachusetts..... New Hampshire..... Rhode Island..... Vermont..... New Jersey.....	All counties. Do. Do. Do. Do. Do. Do.	10	P. O. Box 5238, 500 U. S. Terminal Annex, Dallas 2, Tex.	New Mexico..... Oklahoma..... Texas..... California.....	10	P. O. Box 5238, 500 U. S. Terminal Annex, Dallas 2, Tex.	New Mexico..... Oklahoma..... Texas..... California.....	
2	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Sussex, Union, and Warren. Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queen, Rensselaer, Richard, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Winchest.	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Sussex, Union, and Warren. Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queen, Rensselaer, Richard, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Winchest.	11	539 U. S. Post Office and Courthouse Bldg., Temple and Spring Sts., Los Angeles 12, Calif. Suboffice: No. 15 U. S. Customhouse and Courthouse, Union and F Sts., San Diego 1, Calif. Ship Office: Room 326, U. S. Post Office and Courthouse Bldg., San Pedro, Calif.	Nevada.....	11	539 U. S. Post Office and Courthouse Bldg., Temple and Spring Sts., Los Angeles 12, Calif. Suboffice: No. 15 U. S. Customhouse and Courthouse, Union and F Sts., San Diego 1, Calif. Ship Office: Room 326, U. S. Post Office and Courthouse Bldg., San Pedro, Calif.	Nevada.....	
3	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem.	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem.	12	323-A Customhouse, San Francisco 26, Calif.	California.....	12	323-A Customhouse, San Francisco 26, Calif.	California.....	
4	Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York.	Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York.	13	307 Fitzpatrick Bldg., 917 South-west Oak St., Portland 5, Oreg.	Idaho.....	13	307 Fitzpatrick Bldg., 917 South-west Oak St., Portland 5, Oreg.	Idaho.....	
5	Kent and Sussex.	Kent and Sussex.	14	891 Federal Office Bldg., Seattle 4, Wash.	Montana..... Washington..... Colorado.....	14	891 Federal Office Bldg., Seattle 4, Wash.	Montana..... Washington..... Colorado.....	
6	All.	All.	15	521 New Customhouse, Denver 2, Colo.	Utah..... Wyoming..... Nebraska.....	15	521 New Customhouse, Denver 2, Colo.	Utah..... Wyoming..... Nebraska.....	
7	Arlington, Clarke, Fairfax, Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren.	Arlington, Clarke, Fairfax, Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren.	16	208 Uptown Post Office and Federal Court Bldg., 5th and Washington Sts., St. Paul 2, Minn.	South Dakota..... Minnesota..... Michigan.....	16	208 Uptown Post Office and Federal Court Bldg., 5th and Washington Sts., St. Paul 2, Minn.	South Dakota..... Minnesota..... Michigan.....	
8	Bartholomew, Berkeley, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongahela, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, and Upshur.	Bartholomew, Berkeley, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongahela, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, and Upshur.	17	3200 Fidelity Bldg., 911 Walnut St., Kansas City 6, Mo.	North Dakota..... Wisconsin..... Iowa..... Kansas..... Missouri..... Nebraska..... Illinois..... Indiana..... Iowa.....	17	3200 Fidelity Bldg., 911 Walnut St., Kansas City 6, Mo.	North Dakota..... Wisconsin..... Iowa..... Kansas..... Missouri..... Nebraska..... Illinois..... Indiana..... Iowa.....	
9	All except District 6.	All except District 6.	18	1300 U. S. Courthouse Bldg., Chicago 4, Ill.	All counties except District 15.	18	1300 U. S. Courthouse Bldg., Chicago 4, Ill.	All counties except District 15.	
10	All except District 8.	All except District 8.	19	1029 New Federal Bldg., Detroit 26, Mich.	All counties.	19	1029 New Federal Bldg., Detroit 26, Mich.	All counties.	
11	Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, and Yancey.	Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, and Yancey.	20	328 Federal Bldg., Buffalo 3, N. Y.	All counties.	20	328 Federal Bldg., Buffalo 3, N. Y.	All counties.	
12	All counties.	All counties.			All counties.			All counties.	
13	Baldwin and Mobile.	Baldwin and Mobile.			All counties.			All counties.	
14	All counties.	All counties.			All counties.			All counties.	
15	Esquimaux.	Esquimaux.			All counties.			All counties.	
16	Louisiana.	Louisiana.			All counties.			All counties.	
17	Mississippi.	Mississippi.			All counties.			All counties.	
18	Texas.	Texas.			All counties.			All counties.	
19	City of Texarkana only.	City of Texarkana only.			All counties.			All counties.	
20	Angelina, Atascosa, Bexar, Brewster, Brooks, Brown, Burnet, Caldwell, Calhoun, Camanche, Carrizo, Comal, Comstock, Concho, Cooke, Crockett, Dalhart, De Witt, Dimmit, Duval, Edwards, Fayette, Fort Bend, Franklin, Garza, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kennedy, Kendall, Kerr, Kinney, Kleberg, La Salle, Lavaca, Lee, Liberty, Live Oak, Matagorda, Madison, Maverick, McMullen, Medina, Montgomery, Nassau, Newton, Nueces, Orange, Pecos, Real, Refugio, San Augustine, San Jacinto, San Patricio, Sabine, Starr, Travis, Trinity, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, Zavala, and Tylet.	Angelina, Atascosa, Bexar, Brewster, Brooks, Brown, Burnet, Caldwell, Calhoun, Camanche, Carrizo, Comal, Comstock, Concho, Cooke, Crockett, Dalhart, De Witt, Dimmit, Duval, Edwards, Fayette, Fort Bend, Franklin, Garza, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kennedy, Kendall, Kerr, Kinney, Kleberg, La Salle, Lavaca, Lee, Liberty, Live Oak, Matagorda, Madison, Maverick, McMullen, Medina, Montgomery, Nassau, Newton, Nueces, Orange, Pecos, Real, Refugio, San Augustine, San Jacinto, San Patricio, Sabine, Starr, Travis, Trinity, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, Zavala, and Tylet.			All counties.			All counties.	

APPENDIX I—LOCATION OF ENGINEERING FIELD OFFICES AND MONITORING STATIONS—Continued

Radio district	Address of the engineer in charge	Territory within district—	
		States	Counties
21	609 Stangenwald Bldg., Honolulu 1, T. H.	Territory of Hawaii and outlying Pacific possessions, except Alaska and adjacent islands.	
22	P. O. Box 2987, 322-323 Federal Bldg., San Juan 13, P. R.	Puerto Rico, Virgin Islands, Alaska.	
23	P. O. Box 1421, 7-8 Shattuck Bldg., Juneau, Alaska. Suboffice: P. O. Box 644, Room 53, U. S. P. O. and Courthouse Bldg., Anchorage, Alaska.		

The office of the Regional Managers of the Field Engineering and Monitoring Division, Bureau of Engineering, are located at the following addresses:

North Atlantic Region: 506 Federal Building, 641 Washington Street, New York 14, N. Y.

Great Lakes Region: 1029 New Federal Building, Detroit 26, Mich.

South Atlantic Region, 411 Federal Annex, Atlanta 3, Ga.

Gulf States Region: 332 U. S. Appraisers Building, 7300 Wingate Street, Houston 11, Tex.

North Pacific Region: 801 Federal Office Building, Seattle 4, Wash.

Alaska Region: Room 52, U. S. Post Office and Courthouse, P. O. Box 644, Anchorage, Alaska.

South Pacific Region: 323-A Customhouse, San Francisco 26, Calif.

Hawaiian Region: P. O. Box 1142, Lanikai, Oahu, T. H.

Central States Region: 876 U. S. Courthouse, Chicago 4, Ill.

The Primary Monitoring Stations of the Bureau of Engineering are located at the following addresses:

Federal Communications Commission, Allegan Monitoring Station, P. O. Box 89, Allegan, Mich.

Federal Communications Commission, Central Frequency Monitoring Station, P. O. Box 788, Grand Island, Nebr.

Federal Communications Commission, Kingsville Monitoring Station, P. O. Box 632, Kingsville, Tex.

Federal Communications Commission, Dover Road, P. O. Box 308, Millis, Mass.

Federal Communications Commission, P. O. Box 1142, Lanikai, Oahu, T. H., (Fort Hase Military Reservation).

Federal Communications Commission, 2700 West Edinger, P. O. Box 744, Santa Ana, Calif.

Federal Communications Commission, P. O. Box 31, Laurel, Md.

Federal Communications Commission, P. O. Box 989, Livermore, Calif.

Federal Communications Commission, 2310 Northeast 148th Avenue, P. O. Box 5165, Portland 16, Ore.

Federal Communications Commission, P. O. Box 4, Powder Springs, Ga.

Federal Communications Commission, P. O. Box 719, Anchorage, Alaska.

Secondary Monitoring Stations of the Bureau of Engineering are located at the following addresses:

Federal Communications Commission, P. O. Box 300, Bay Saint Louis, Miss. (near New Orleans).

Federal Communications Commission, P. O. Box 187, Fort Lauderdale, Fla.

Federal Communications Commission, P. O. Box 99, Lexington, Ky.

Federal Communications Commission, P. O. Box 1448, Muskogee, Okla.

Federal Communications Commission, Searsport, Maine. Main address: P. O. Box 44, Belfast, Maine.

Federal Communications Commission, P. O. Box 191, Spokane, Wash.

Federal Communications Commission, P. O. Box 499, Twin Falls, Idaho.

APPENDIX II—INTERNATIONAL RADIO REGULATIONS IN FORCE BETWEEN THE GOVERNMENT OF THE UNITED STATES AND OTHER CONTRACTING GOVERNMENTS

(a) Between the Government of the United States and those Governments which are parties to the International Telecommunication Convention (Atlantic City, 1947):

The Radio Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947), in part, as follows:

Articles 1, 3, 4, 6, 7, 8, 9, 13, 14, 15, 16, 18, 19, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 35, 36, 38, 39, 40, 41, 42, 43, 45, 46, and 47;

Article 5 (with the exception of the table of allocation of frequencies covering the bands below 27,500 kilocycles);

Article 29 (with the exception of paragraph 621);

Article 37 (with the exception of paragraph 869);

Article 44 (with the exception of paragraphs 1025 and 1032); and

Appendices 2, 9, 11, 13, 14, 15, 16, A, B, and C.

(b) Between the Government of the United States and those Governments which are parties to the International Telecommunication Convention (Atlantic City, 1947) and the General Radio Regulations (Cairo Revision, 1938) annexed to the International Telecommunication Convention (Madrid, 1932):

The General Radio Regulations (Cairo Revision, 1938) annexed to the International Telecommunication Convention (Madrid, 1932), in part, as follows:

The table of frequency allocations below 27,500 kilocycles as reflected in Article 7; and

The procedure for notification and registration of frequencies as provided in Article 16.

(c) Between the Government of the United States and a Government which is not a party to the International Telecommunication Convention (Atlantic City, 1947), but which is a party to a prior Convention, the regulations of the most recent of the following Conventions to which the contracting Government is a party:

The General Radio Regulations (Cairo Revision, 1938) annexed to the International Telecommunication Convention (Madrid, 1932);

The General Radio Regulations annexed to the International Telecommunication Convention (Madrid, 1932);

The General Regulations annexed to the International Radiotelegraph Convention (Washington, 1927); and

The Service Regulations affixed to the International Radiotelegraph Convention (London, 1912).

[F. R. Doc. 51-7320; Filed, June 25, 1951; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 729]

KENTUCKY

TRANSFERRING JURISDICTION OVER THE OIL AND GAS DEPOSITS IN CERTAIN LANDS OWNED BY THE UNITED STATES

Whereas the hereinafter-described lands, title to which has been acquired by the United States, comprising the site of Camp Breckenridge Military Reservation, Kentucky, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said lands; and

Whereas, in order to facilitate such action, it is considered advisable that jurisdiction over the oil and gas deposits in such lands be transferred from the Department of the Army to the Department of the Interior; and

Whereas such transfer has the concurrence of the Secretary of the Army;

Now, therefore, by virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

1. The jurisdiction over the oil and gas deposits in the following-described lands is hereby transferred from the Department of the Army to the Department of the Interior:

PERIMETER DESCRIPTION CAMP BRECKINRIDGE, UNION, WEBSTER AND HENDERSON COUNTIES, KENTUCKY

Situated in the State of Kentucky, Counties of Union, Webster and Henderson Counties, approximately 2 miles east of Morganfield, more particularly described as follows:

Beginning at the point of intersection of south right-of-way line U. S. Highway No. 60 with the left bank (west) low water line of Lost Creek; thence crossing said Lost Creek and with the south right-of-way line of said U. S. Highway;

N. 78° 10' E., 238.5 poles to the point in the center of Little Air Line Road (Young-Harris Road); thence continuing with the south right-of-way line of said U. S. Highway No. 60;

N. 78° 10' E., 53.71 poles to a corner common to land formerly owned by the R. E. A. Corporation; thence continuing with said Highway right-of-way line;

N. 78° 10' E., 6.06 poles to a corner common to land formerly owned by Minnie Thomas; thence continuing with said Highway right-of-way line;

N. 78° 10' E., 107.96 poles to a corner common to land formerly owned by Hattie Abell; thence still with said Highway right-of-way;

N. 78° 10' E., 66.66 poles to a corner common to 2-acre tract formerly owned by J. E. Casey; thence with said Highway right-of-way line;

N. 78° 10' E., 24.9 poles to a corner common to land formerly owned by Maggie Willett; thence with said Highway right-of-way line;

N. 78° 10' E., 99.1 poles to a point in the center of McClure Road; thence continuing

with said U. S. Highway No. 60 south right-of-way line;

N. 78° 10' E., 57.3 poles to a corner common to land formerly owned by B. G. Waller; thence still with said Highway right-of-way line;

N. 78° 10' E., 112.5 poles to a corner common to land formerly owned by Margaret I. Drury; thence continuing with said Highway right-of-way;

N. 78° 10' E., 23 poles; thence continuing with said right-of-way;

N. 72° 25' E., 86 poles to a corner common to the land formerly owned by the Nazareth Benevolent Institute; thence continuing with said Highway right-of-way;

N. 72° 25' E., 70 poles to a corner common to land formerly owned by Pearl Rahm, said corner being in the center of an abandoned road; thence continuing with said Highway right-of-way line;

N. 72° 25' E., 64.5 poles to another point in said right-of-way, said point being a corner common to land formerly owned by P. S. Roberts; thence continuing with said Highway right-of-way;

N. 72° 25' E., 155 poles to the point of intersection of the center of Beaver Dam Road with the south right-of-way line of U. S. Highway No. 60; thence continuing with said right-of-way line;

N. 72° 25' E., 7 poles to a corner common to the land formerly owned by Earle Clements; thence with said Highway right-of-way;

N. 72° 25' E., 99 poles more or less to the point of intersection of said U. S. Highway No. 60 right-of-way;

N. 72° 25' E., 24.7 poles more or less to a corner common to the land formerly owned by John C. Roberts heirs; then continuing with said right-of-way line;

N. 72° 25' E., 87.0 poles; thence leaving said Highway line and with the lines of town lots (City of Waverly);

S. 49° 55' E., 92 poles to a point in the center of Highland Lick Road; thence with the center of said Highland Lick Road;

N. 41° 00' E., 3 poles to a corner common to the land formerly owned by Pearl Nally and said corner being in the center of Highland Lick Road and Beaver Dam Road; thence with the center of said Beaver Dam Road;

N. 38° 30' E., 20.5 poles to a point in the center of said road, corner common to land formerly owned by Della Willett; thence continuing with the center of Beaver Dam Road;

N. 38° 30' E., 15.7 poles to a corner common to land formerly owned by John C. Roberts heirs; thence continuing with the center of Beaver Dam Road;

N. 38° 30' E., 59.6 poles to a corner common to a 91.6 acre tract formerly owned by Chas. R. Thomas; thence with the west line of said Thomas tract;

N. 3° E., 67 poles to a point in the south right-of-way line of U. S. Highway No. 60; thence with said right-of-way line;

N. 85° 10' E., 112 poles to a corner common to 9.55 acre tract formerly owned by Frank C. Rapier; thence continuing with said Highway right-of-way;

N. 85° 10' E., 80.6 poles to a corner common to land formerly owned by E. R. Rapier, said corner being in the center of Beaver Dam Road and the south right-of-way line of U. S. Highway No. 60; thence continuing with said right-of-way line;

N. 85° 10' E., 132 poles; thence leaving said right-of-way line and running with the north and easterly reservation lines;

S. 54° 40' E., 93 poles to a corner common to the lands of Herman Greenwell; thence

S. 38° 25' W., 44 poles to a corner common to a tract formerly owned by Susan Mills; thence with said Mills line and the north-easterly reservation boundary;

S. 56° E., passing Greenwell's corner in the old bed of Casey Creek at 130 poles and continuing with a line of Nettie Martin, in all

160 poles to the north corner of H. S. Thomas; thence with his lines as follows:

S. 46° 32' W., 91 poles; thence

S. 33° 30' W., 34 poles to a point in the old bed of Casey Creek a corner common to a 181.3 acre tract formerly owned by Leroy Thomas; thence with lines of said Thomas;

S. 49° 15' E., 67.5 poles; thence

S. 50° 45' E., with J. L. Raley's south line 104 poles to a west corner of Wm. and Thomas Gerger's land; thence with their line;

S. 38° 40' W., 33 poles to the north corner of J. T. Morehead's property, and continuing in the same course and with his line 50 poles to a north corner of a tract formerly owned by Lillie Hosman et al.; thence with the lines of said Hosman tract;

S. 53° E., 58 poles; thence

S. 38° 05' W., 116 poles to the most northerly corner of a 1.06 acre school lot formerly owned by Union Co. Board of Education; thence with said school lot and J. T. Morehead's lines;

S. 50° 20' E., 17 poles; thence

S. 38° 05' W., 10 poles to a corner common to a tract formerly owned by Irene Fowler; thence with the line common to Fowler and J. T. Morehead;

S. 53° 20' E., 119.2 poles to the north corner of the former Mary Ann Higginson Estate; thence with said Higginson Estate line and a line common to J. T. Morehead's tract;

S. 53° 20' E., 29.5 poles to a west corner of the W. R. Johnson tract, and continuing in the same course with Johnson's line, in all 42.5 poles; thence

S. 52° 25' E., 37 poles, more or less, to the north corner of a 2 acre church lot; thence with said church lot lines as follows:

S. 31° 45' W., 16 poles to a stake; thence

S. 59° 15' E., 20 poles to a stake; thence

N. 31° 15' E., 16 poles to a corner common to said Higginson estate; thence with Higginson's line;

S. 52° 25' E., 119 poles, more or less, to the north line of a tract formerly owned by William A. Roberts et al.; thence with Roberts north line and the south line of Martha and Regina Hite;

S. 54° 50' E., 148 poles to a corner of a tract formerly owned by Mary Katherine Roberts et al.; thence with Roberts lines as follows:

S. 54° 51' E., 77 poles; thence

N. 28° 05' E., 27.5 poles; thence

N. 38° 50' E., 22 poles to a point in the center of Highland Creek Ditch and the Henderson-Union County line, also corner to J. W. Morehead; thence with his line and the center of the Highland Creek Ditch and the Henderson-Union County line as follows:

S. 11° 00' E., 15 poles; thence

S. 21° 00' E., 5 poles; thence

N. 86° 00' E., 15 poles; thence

S. 20° 30' E., 35 poles; thence

S. 84° 00' E., 15 poles; thence

S. 63° 00' E., 20 poles; thence

S. 33° 00' E., 10 poles; thence

S. 45° 00' W., 16 poles; thence

S. 73° 10' W., 27 poles; thence leaving the old Highland Creek bed and the Henderson-Union County line, and continuing with J. W. Morehead's south line and Mary Katherine Roberts north line;

S. 54° 45' E., 113 poles to a point in the center of the Herman-Corydon Road and a corner common to land formerly owned by W. H. Puryear; thence with Puryear's line and the center of the Herman-Corydon Road (House Bridge Road);

N. 39° 30' E., 39 poles, thence continuing with center line of road and Puryear's line;

N. 37° 00' E., 119 poles to a point in the center of the intersection of the Herman-Corydon (House Bridge) Road with the Duncan Road; thence with the center of Duncan Road;

S. 51° 35' E., 123 poles to a corner of a tract formerly owned by Ashley G. Pritchett;

thence with his lines and the center of the Duncan Road as follows:

S. 51° 35' E., 118 poles; thence

S. 36° 35' W., 94 poles; thence

S. 54° 00' E., 85 poles to a corner common to a tract formerly owned by Barbara Tapp et al.; thence with Tapp's line and the center line of Duncan Road;

S. 53° 00' E., 46 poles to a corner of a 8.8 acre tract formerly owned by Barbara Tapp et al.; thence with said tract and the center of Duncan Road;

S. 54° 45' E., 21.5 poles to a corner common to a tract formerly owned by H. K. Tapp et ux; thence with Tapp's line and the center of Duncan Road;

S. 54° 45' E., 70 poles to a corner of a tract formerly owned by Barbara Tapp et al.; thence with the lines of Tapp and the center of Duncan Road the following:

S. 54° 45' E., 39 poles; thence

N. 39° 20' E., 47 poles; thence

S. 56° 00' E., 36 poles to a corner common to a tract formerly owned by Nealie Tapp et al.; thence with the lines of Tapp and the center of Duncan Road;

S. 56° 00' E., 57 poles to a point in the center of the intersection of the Duncan Road with the White Lick Road; thence with the center of White Lick Road;

S. 37° 00' W., 20 poles to a corner common to a tract formerly owned by Byron Tapp et ux; thence leaving center line of the White Lick Road and following north line of said Tapp tract;

S. 55° 10' E., 197 poles to a point in the west line of a tract formerly owned by Nannie Tapp et al.; thence with the west line of said tract and the center line of Poole Road;

N. 38° 25' E., 10 poles; thence leaving center line of said road and continuing with the lines of the Nannie Tapp tract;

S. 52° 30' E., 124 poles; thence

S. 38° 40' W., 159 poles passing the Henderson-Webster County line to a point in the north property line of a tract formerly owned by E. C. Tapp et ux; thence with the lines of the E. C. Tapp tract;

S. 51° 20' E., 34 poles; thence

S. 37° 30' W., 75 poles to a corner common to a tract formerly owned by Jewel C. Duncan et vir; thence with the lines of Jewel C. Duncan's tract as follows:

S. 57° 25' E., 125 poles; thence

S. 7° 40' W., 27 poles; thence

S. 81° 40' E., 12 poles; thence

S. 10° 35' W., 30.5 poles to a point in the north line of a tract formerly owned by Mary Jane Melton et al.; thence with the north line of said tract;

S. 79° 00' E., 90 poles to a point in the center of the Jonestand Road; thence with the center of Jonestand Road and the lines of Mary Jane Melton tract;

S. 37° 30' W., 96 poles; thence

S. 24° 20' W., 19 poles; thence

S. 9° 10' E., 25 poles to a point in the north line of a tract formerly owned by R. C. Bumpus et al.; thence with the center of the Jonestand Road so as to sever the property of R. C. Bumpus Estate as follows:

S. 6° 35' W., 17 poles; thence

S. 38° 00' E., 17.25 poles; thence

S. 2° 30' E., 14 poles; thence

S. 18° 35' E., 15 poles; thence

S. 47° 30' E., 8 poles to a corner common to a tract formerly owned by J. W. Tapp et ux; thence with the center of the Jonestand Road and the lines of the J. W. Tapp tract;

S. 17° 45' E., 29 poles; thence

S. 5° 45' W., 4 poles to a corner of a tract formerly owned by G. M. Gibson et ux; thence continuing along the center line of the Jonestand Road and severing the Gibson lands the following courses and distances:

S. 18° 00' W., 8 poles; thence

S. 7° 55' W., 18 poles; thence

S. 27° 35' W., 24.5 poles; thence

S. 1° 25' E., 37.5 poles; thence

S. 12° 25' W., 29 poles; thence

S. 14° 30' W., 35 poles; thence

S. 5° 20' W., 67 poles to a point in the north line of a tract formerly owned by T. T. Fulcher et ux; thence severing the T. T. Fulcher lands along the center line of Jonestand Road as follows:

S. 5° 00' W., 56 poles; thence

S. 17° 45' E., 28 poles to a corner common to a tract formerly owned by R. A. Tapp et ux; thence with said R. A. Tapp property line and the center of the Jonestand Road; S. 3° 20' W., 49 poles to the southeast corner of reservation; thence leaving the center of the Jonestand Road and continuing with the south and easterly reservation line; N. 86° 55' W., 15 poles; thence

S. 3° 20' W., 7.3 poles to a point in the north right-of-way line of Kentucky State Highway No. 56; thence with said right-of-way line and R. A. Tapp's property line; N. 87° 55' W., 68 poles; thence

N. 76° 15' W., 23 poles; thence leaving north right-of-way line and continuing with R. A. Tapp's line;

N. 6° 35' E., 20 poles to a corner common to a tract formerly owned by Lula Melton et al; thence along the north line of the Amella Berry tract, the General Baptist Church tract and severing the Lula Melton tract;

N. 78° 45' W., 53 poles; thence

N. 78° 10' W., 22 poles to a corner common to a tract formerly owned by Gardie Tapp et ux; thence with the Gardie Tapp tract;

N. 76° 15' W., and severing the above tract 31 poles to a point in the east line of a tract formerly owned by David Tapp et ux; thence along David Tapp's east line;

S. 3° 30' W., 16 poles more or less to a point in the north right-of-way line of Kentucky State Highway No. 56; thence along the north right-of-way line;

N. 71° 05' W., 19 poles to a point; thence

N. 77° 45' W., 25 poles to a point and severing the David Tapp tract, said point being in the east line of a tract formerly owned by Jake Tapp et ux; thence along the north right-of-way line of the above mentioned highway and severing the Jake Tapp tract;

N. 68° 5' W., 39.8 poles to a point in the east line of a tract formerly owned by Crockett Tapp et ux; thence severing said Crockett Tapp tract and along the north right-of-way line of Kentucky State Highway No. 56;

N. 68° 55' W., 77.5 poles to a point in the east line of a 0.69 acre tract formerly owned by Trustees, New Highland United Baptist Church; thence severing the church tract and along the north right-of-way line of Highway 56;

N. 68° 55' W., 5 poles; thence

N. 62° 00' W., 6 poles to a point in the east line of a tract formerly owned by A. J. Morehead et ux, said point also being the intersection of the Tilden Road and Kentucky State Highway 56; thence severing A. J. Morehead's tract and continuing with the north right-of-way line;

N. 62° 00' W., 22 poles; thence

N. 79° 40' W., 20.5 poles to a point in the east line of a tract formerly owned by A. J. Gibson et ux; thence severing the Gibson tract and along the north right-of-way line of Kentucky State Highway 56;

N. 80° 50' W., 44 poles to a corner of a tract formerly owned by F. M. Tapp et ux; thence with the F. M. Tapp tract and the north right-of-way line of Kentucky State Highway 56;

N. 81° W., 49.5 poles to a corner of a 1.20 acre tract formerly owned by Joe Cates et ux; thence severing Cates' tract and continuing with said Kentucky State Highway 56 right-of-way line;

N. 83° 25' W., 18 poles to a corner of a tract formerly owned by D. V. Duncan et al.; thence with the lines of D. V. Duncan and the north line of Kentucky State Highway 56 as follows:

N. 79° 30' W., 112 poles; thence

N. 88° 20' W., 19 poles to a point in the easterly property line of a tract formerly owned by R. H. Todd; thence severing the

lands of R. H. Todd and along the north right-of-way of same highway;

N. 81° 50' W., 66 poles to a point in the property line of a tract formerly owned by Ravas Todd; thence severing the lands of Todd and continuing along the north right-of-way line of the Kentucky State Highway No. 56;

N. 81° 50' W., 5 poles to a point in the property line of a tract formerly owned by R. L. Higginson; thence with the northerly right-of-way line of Kentucky 56 so as to sever the property of R. L. Higginson;

Due west 65.25 poles to a point in the property line of a tract formerly owned by Mary Sue Lynn et al.; thence with the north right-of-way line of Kentucky State Highway 56 and severing the property of Mary Sue Lynn;

Due west 74 poles to a point in the easterly property line of a tract formerly owned by Mary T. Lynn et al.; thence severing said tract and continuing along the north line of the Kentucky State Highway 56;

Due west 96 poles to a point in the property line of a tract formerly owned by Earl J. Lambert et ux; thence along the north right-of-way line of the aforesaid highway and severing the tract;

Due west 37 poles to a point in the property line of a tract formerly owned by Arpah Caton and Iama Stanley; thence severing said tract and along the north right-of-way line of the Kentucky State Highway 56;

Due west 74 poles to a point in the north line of a tract formerly owned by I. C. Russell et ux; thence severing said tract and continuing along the north right-of-way line of the Kentucky State Highway 56;

Due west 43.75 poles; thence N. 74° 31' W., 112.50 poles passing the Union and Webster County line and continuing with the north right-of-way line;

N. 80° 40' W., 24.25 poles to a point in the New Liberty Church-Givens Road (Caton Road) and the intersection of the north line of the Kentucky State Highway No. 56 same also being a corner common to a tract formerly owned by Rosabella Liles et vir; thence with Liles tract and the north right-of-way line of Highway 56 as follows:

N. 78° 05' W., 20.5 poles; thence

N. 76° 45' W., 40 poles; thence

N. 78° 30' W., 43 poles to the southeast corner of a tract formerly owned by J. E. Canton; thence with the lines of the J. E. Canton tract and the north right-of-way line of the Kentucky State Highway No. 56 with the following:

N. 77° 55' W., 21.2 poles; thence

N. 71° 45' W., 9 poles; thence

N. 60° 00' W., 9 poles; thence

N. 55° 23' W., 118.36 poles; thence

N. 62° 20' W., 12 poles; thence

N. 72° 39' 30" W., 24.66 poles to a corner of a tract formerly owned by Nora Wood et al.; thence with the Wood tract and continuing along the north margin of the right-of-way of the said highway

N. 72° 39' 30" W., 87.90 poles to a corner common to a tract formerly owned by Ernest Stone et al.; thence with the lines of said tract and the north line of the Kentucky State Highway;

N. 72° 22' W., 16.5 poles; thence

N. 81° 50' W., 59 poles to a south corner to the former Jessie Woods property; thence with their line and the north right-of-way of said road;

N. 83° 30' W., 60.5 poles; thence

N. 72° 30' W., 10 poles to a corner common to a tract formerly owned by Sarah P. Lynn et al.; thence with said tract and the north right-of-way line of Kentucky State Highway 56;

N. 70° 14' W., 46.5 poles to a point in the middle of the Anderson Creek, same point being the corners of a 0.25 acre and 1.00 acre tract formerly owned by Mollie Kennedy, also a south corner of a tract formerly owned by Auddie Kennedy; thence leaving said creek and continuing along the north right-of-way line of same State highway and with

the line of Mollie Kennedy's 0.25 acre tract; N. 62° 43' W., 18.3 poles to another corner of a tract formerly owned by Auddie Kennedy; thence with said Auddie Kennedy tract and the north right-of-way line of the State highway;

N. 62° 43' W., 114 poles to a south corner of a tract formerly owned by Ella Bruce Waller; thence with the lines of Ella Bruce Waller and the north line of the Kentucky State Highway No. 56;

N. 62° 43' W., 93.5 poles to a point in the north right-of-way line of the Kentucky State Highway 56 and the intersection with the Richards Road; thence leaving the north right-of-way line of said state highway and continuing with the Ella Bruce Waller tract and the center of the Richards Road;

S. 40° 47' W., 25 poles to the northeast corner of a tract formerly owned by Florence Fowler; thence with Fowler's line and the center of the Richards Road;

S. 40° 47' W., 48.6 poles to the northeast corner of a tract formerly owned by William Norris Waller; thence with the property lines of the Waller tract and the west line of the Osborne Springer tract;

S. 40° 47' W., 62.3 poles (leaving the center of the Richards Road at 20 poles) to a point in the north line of the John Springer property; thence with his line and the line of the said Waller tract;

N. 80° 81' W., 11.4 poles; thence

N. 72° 45' W., 91 poles to the northeast corner of a tract formerly owned by Martha Farmer; thence with her line and the west line of the John Springer property;

S. 36° 00' W., 26.1 poles to the east corner common to a tract formerly owned by Dan Newman; thence with the line of the Newman tract and the west line of John Springer property;

S. 36° 00' W., 86.7 poles to a point in the north line of the J. C. and Addie Stanley property; thence with their line and continuing with the line of the Newman tract;

N. 77° 39' W., 115 poles to a point in the center of the Kentucky State Highway No. 141 same point being a corner common to a tract formerly owned by Posey M. Moore; thence leaving center of said road and continuing with the lines of Posey M. Moore;

S. 40° 40' W., 32 poles more or less; thence S. 14° 00' W., 20 poles to the old Dixon Road at a north corner of Tom L. Evans; thence with said old Dixon Road;

N. 64° 15' W., 143 poles to a corner of a tract formerly owned by George N. Berry; thence with the line of said Berry tract and a north line of Jones W. and Jonsie Bartley;

N. 52° 30' W., 87 poles to a point in the northeasterly property line of a tract formerly owned by John R. Bell estate; thence with Bell's line;

S. 38° 15' W., 95 poles more or less to a corner common to a tract formerly owned by V. E. Cowan; said corner being a point in the Cullen Road about 95 poles south of its intersection with the old Dixon Road at the south corner of John R. Bell in John Lancaster's west line; thence with the said Cullen Road and continuing with the line of Cowan;

S. 38° 15' W., 92 poles to a corner of a tract formerly owned by George Curtis; thence with the lines of Curtis and the Cullen Road;

S. 38° 15' W., 95 poles; thence leaving said road;

N. 50° 15' W., 112 poles to a point in the corner of a tract formerly owned by Minnie Long; thence with the lines of Long as follows:

N. 50° 15' W., 10 poles; thence

S. 40° 40' W., 6 poles; thence

N. 52° 15' W., 90 poles to a corner common to a tract formerly owned by Christine Smith; thence with Smith's line and the north line of the Margaret I. Drury tract;

N. 52° 30' W., 73 poles to a point in the center of the Sulphur Spring Road at a corner of a tract formerly owned by Roy Alvey;

thence with the lines of the Roy Alvey tract and the north line of Margaret I. Drury;

N. 52° 00' W., 56 poles to a corner in C. M. Campbell's east line; thence with same;

N. 37° 55' E., 15 poles to a point in the south line of a tract formerly owned by George Curtis; thence with his line;

N. 51° 00' W., 20 poles to the south corner of a tract formerly owned by W. L. Duncan; thence with Duncan's tract and the north line of C. M. Campbell;

N. 51° 00' W., 127 poles to a corner common to a tract formerly owned by C. M. Campbell; thence with his line;

N. 51° 00' W., 64 poles to a corner common to a tract formerly owned by Henry C. Newcomb; thence

N. 51° 00' W., 49.5 poles to a corner of a tract formerly owned by C. M. Campbell; thence with said tract;

N. 51° 00' W., 44.5 poles to a corner of a tract formerly owned by Hattie Ramsey Abell; thence with the line of Abell;

N. 51° 00' W., 20 poles to a corner common to a tract formerly owned by Victor Calender; thence with the lines of Victor Calender as follows:

S. 37° 40' W., 48 poles; thence

N. 51° 00' W., 88 poles; thence

S. 39° 10' W., 30 poles to a point in the little Union and Cullen Road (Bordley Road); thence with same;

N. 17° 26' W., 29 poles; thence leaving the road;

S. 72° 35' W., 6 poles; thence

S. 30° 30' W., 23 poles; thence

N. 48° 46' W., 42 poles; thence

N. 40° 20' E., 20 poles to a corner common to a tract formerly owned by W. H. Utley; thence with said tract;

N. 44° 45' W., 64 poles to a southeast corner of a tract formerly owned by Matilda Ellen Girtlen Mills; thence with her lines;

N. 44° 45' W., 22 poles; thence

S. 42° 15' W., 61 poles; thence

N. 44° 50' W., 35 poles to a corner common to a tract formerly owned by J. R. Utley; thence with the line of said tract;

N. 44° 50' W., 45 poles to a corner of a tract formerly owned by Ed Nally; thence with Nally's line;

N. 44° 50' W., 59 poles to a point in an east line of a tract formerly owned by A. C. Campbell; thence with the lines of Campbell;

S. 39° 30' W., 24 poles to a point at the turn of the Bertsville Road; thence with said road as follows:

N. 51° 08' W., 146 poles; thence

N. 51° 45' W., 26 poles to a corner of a tract formerly owned by D. R. Waller; thence with the said tract and continuing along the center of the Bertsville Road;

N. 51° 45' W., 47.5 poles to a point in said road at the mouth of a private lane leading to the former Waller residence; thence continuing with said Bertsville Road;

N. 51° 21' W., 49 poles to a corner of a tract formerly owned by Benjamin Wright estate; thence with said tract and the Bertsville Road;

N. 51° 41' W., 3.5 poles to a corner of a tract formerly owned by George E. Hendrickson; thence with the lines of said Hendrickson tract and center of the Bertsville Road;

N. 51° 21' W., 114 poles to the southwest corner of the reservation; thence leaving said road and continuing with the line of Hendrickson's tract and running with the southwesterly reservation boundary;

N. 38° 00' E., 232 poles to a point in the south line of a tract formerly owned by E. R. McBride; thence with said tract lines;

N. 49° 05' W., 33 poles; thence

N. 40° 00' E., 86 poles to the southwest corner of a tract formerly owned by B. G. Waller thence with the Waller tract;

N. 40° 00' E., 93 poles to the southwest corner of a tract formerly owned by T. S. Waller, Jr.; thence with said Waller tract;

N. 40° 00' E., 148.50 poles to the southwest corner of a tract formerly owned by Walter W. Leiter; thence with the line of said tract;

N. 40° 00' E., 153 poles to a point in the north line of Kentucky State Highway No. 56 same point also corner to a tract formerly owned by Lonnie Baird; thence with the property lines of the Lonnie Baird tract and running with the North right-of-way line of said state highway;

N. 28° 25' W., 28.20 poles; thence leaving said highway,

N. 58° 20' E., 92.50 poles; thence

N. 37° 55' E., 149.20 poles to a point in the center of Beaver Dam Road, said point also in the line of a tract formerly owned by Waller Young; thence with the center of Beaver Dam Road;

N. 49° 45' W., 56.30 poles; thence leaving said road and running with the west bank of Lost Creek the following courses and distances:

N. 3° 50' W., 8.3 poles,

N. 4° 48' E., 25.5 poles,

N. 11° 08' W., 13.2 poles,

N. 49° 55' E., 8.0 poles,

N. 2° 14' W., 13.7 poles,

N. 47° 16' E., 6.33 poles,

N. 23° 45' E., 64.8 poles, and

N. 0° 45' W., 82.0 poles to the point of beginning containing 35,839.88 acres.

All as shown on project plats consisting of nine sheets on file in the Bureau of Land Management, Misc. No. 59600.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas from such lands.

3. The jurisdiction of the Department of the Interior over such lands shall be subject to the primary jurisdiction of the Department of the Army over the lands for military purposes.

4. Prior to execution of any lease or development authorized by the Department of the Interior the approval of the Department of the Army shall be obtained to assure that there is no interference with the primary use of the lands.

5. All moneys received as royalties under leases, or otherwise, on account of oil and gas extracted from such lands shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 19, 1951.

[F. R. Doc. 51-7220; Filed, June 25, 1951;
8:45 a. m.]

[Public Land Order 725]

MONTANA

RESERVATION OF LANDS WITHIN NATIONAL FORESTS AS ADMINISTRATIVE SITES, RECREATION AREAS, OR FOR OTHER PUBLIC PURPOSES

Correction

In Federal Register Document 51-6608 appearing at page 5444 of the issue for Friday, June 8, 1951, the land description for the Knotty Pine Administrative Site under Deerlodge National Forest, Montana, is changed to read as follows:

T. 8 N., R. 13 W.,

Sec. 22, S½NE¼NE¼SW¼, SE¼NE¼SW¼, NE¼SE¼SW¼, NE¼SE¼SE¼SW¼, SW¼NW¼SW¼SE¼, and NW¼SW¼SW¼SE¼.

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Service Order 878-A]

PART 95—CAR SERVICE

REQUIREMENTS FOR LOADING CANNED GOODS AND FOODSTUFFS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of June A. D. 1951.

Upon further consideration of Service Order No. 878 (16 F. R. 5768), and good cause appearing therefor: It is ordered, that:

Section 95.878 Service Order No. 878, *Requirements for loading canned goods and foodstuffs*, be, and it is hereby suspended until 12:01 a. m., July 16, 1951.

It is further ordered, that this order shall become effective at 12:01 a. m., July 1, 1951; that a copy of this order and direction be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 394, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7252; Filed, June 25, 1951;
8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 967]

[Docket No. AO-170-A5]

HANDLING OF MILK IN THE SOUTH BEND-LA PORTE, IND., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING THE ORDER, AS AMENDED.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at South Bend, Indiana on February 15-16, 1951, pursuant to notice thereof duly published in the FEDERAL REGISTER (16 F. R. 730) upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on May 25, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on May 30, 1951 (16 F. R. 5068; Doc. 51-6215).

Within the period reserved for exceptions a producer organization and certain handlers filed exceptions to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. In some instances comment has been made below. To the extent that the findings, conclusions and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

The material issues, findings (including general findings), conclusions and rulings of the recommended decision (16 F. R. 5068; Doc. 51-6215) are hereby approved and adopted as the issues, findings, conclusions and rulings of this decision as if set forth in full herein, subject to the following modifications:

1. Delete the last two sentences of the first paragraph beginning in column 2, 16 F. R. 5070 and substitute therefor the following: "This will necessitate also removal of the 'floor' under the present Class III price."

2. Add the following at the end of the last paragraph beginning in column 2, 16 F. R. 5070: "The definition of Class I milk should include milk, flavored milk and flavored milk drink which have been

concentrated but not sterilized. It may be noted from the April 27 decision on amendments to the Chicago order that some handlers in the nearby market of Chicago, from which substantial quantities of milk are received in the South Bend-La Porte marketing area, are experimenting with these products. In view of the form of these products and their intended uses, it is concluded that orderly marketing will be facilitated through classification, at such time as they may be distributed by handlers, on a basis similar to that of fresh, whole milk sold for consumption in fluid form and flavored milk and milk drink made from fluid milk or skim milk."

3. Add the following as the third paragraph beginning in column 1, 16 F. R. 5071:

In their exceptions handlers suggested that the partial payment, if adopted, be required on or before the 10th day after the end of each delivery period and final payment on or before the 25th day after the delivery period. It was stated that to allow the additional time requested would simplify, from an accounting standpoint, the computation and execution of the partial payment since such payment would be based on the producer's monthly total of milk deliveries rather than on a 15-day total.

The position that the requirements set forth in the recommended decision in connection with the partial payment imposed and unreasonable burden upon handlers is not supported by testimony in the record. From an accounting point of view there is no material saving to be realized from the counter plan suggested, and it has not been shown that handlers do not have ample time to compute and make such payment within the time limits provided. It would not be reasonable, on the grounds presented, to delay payment as requested. Therefore, it is concluded that the provisions as set forth in the recommended decision should be adopted.

Determination of representative period. The month of March 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the South Bend-La Porte, Indiana, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the South Bend-La Porte, Indiana, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing con-

clusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 21st day of June, 1951.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

Order¹ Amending the Order, as Amended, Regulating the Handling of Milk in the South Bend-La Porte, Indiana, Marketing Area

§ 967.0 Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the South Bend-La Porte, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete §§ 967.8 and 967.9 and substitute therefor the following:

§ 967.8 *Approved plant.* "Approved plant" means a milk plant which is approved by the health authorities of any of the following municipalities: South Bend, Mishawaka, La Porte, or Michigan City, Indiana, for the processing and distribution of milk for consumption in fluid form and from which a route is operated wholly or partially within the marketing area.

§ 967.9 *Producer.* "Producer" means any person except a producer-handler, who produces milk (other than milk exempt pursuant to § 967.60) which is received at an approved plant, provided such milk is eligible for consumption as milk in fluid form within the marketing area under the approval or certification of one or more of the health authorities referred to in § 967.8. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be temporarily diverted by a handler from an approved plant to a plant not an approved plant.

2. Delete § 967.12 and substitute therefor the following:

§ 967.12 *Route.* "Route" means a delivery (including a sale at a plant store) of any item named in § 967.41 (a) (1) to a wholesale or retail stop other than a milk processing or distributing plant.

3. Delete in § 967.22 (i) (1) the cross-reference "§ 967.5" and substitute therefor the cross-reference "§ 967.51."

4. Delete §§ 967.40 through 967.46, inclusive, and substitute therefor the following:

§ 967.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the delivery period by a handler, in producer milk, in other source milk and from another handler shall be classified by the market administrator pursuant to the provisions of §§ 967.41 to 967.46, inclusive.

§ 967.41 *Classes of utilization.* Subject to the conditions set forth in §§ 967.43 and 967.44, the skim milk and butterfat described in § 967.40 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and

butterfat (1) disposed of (except as provided in paragraph (b) (1) of this section) in the form of milk, skim milk, flavored milk, flavored milk drink, and buttermilk; (2) disposed of as cream (sweet or sour) and as any fluid mixture of cream and milk (or skim milk) containing not less than 6 percent butterfat (but not including ice cream or other frozen dessert mixes disposed of to a commercial processor, or any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product); (3) disposed of in fluid or frozen form as concentrated milk, flavored milk, and flavored milk drink not sterilized and not otherwise specified under paragraph (b) of this section, and as eggnog; (4) in shrinkage of receipts of producer milk computed pursuant to § 967.42 which is in excess of 2 percent of such receipts; and (5) not specifically accounted for as any item named in this paragraph or as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) disposed of in bulk in the form of milk, skim milk, buttermilk, and cream to any manufacturer of candy, soup or bakery products and used in such products; (2) in condensed milk or skim milk (sweetened or unsweetened) disposed of to commercial food processors; (3) disposed of (or used to produce, in the case of ice cream and frozen desserts and mixes (liquid or powdered) for such products, and aerated cream products) as sweetened condensed milk in hermetically sealed cans, evaporated milk, cottage cheese, ice cream, ice cream mix, other frozen desserts and mixes, storage cream, butter, cheese and nonfat dry milk solids; (4) dumped or disposed of for livestock feed as skim milk (including that in whole milk dumped), flavored milk, flavored milk drink and buttermilk; (5) disposed of as a milk product other than any of those specified in paragraph (a) (1) and in (1), (2), (3) and (4) of this paragraph; (6) contained in monthly inventory variations; (7) in actual shrinkage of receipts of producer milk computed pursuant to § 967.42 but not in excess of 2 percent of such receipts; and (8) in actual shrinkage of other source milk computed pursuant to § 967.42.

§ 967.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between that in producer milk and in other source milk.

§ 967.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 967.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted to another handler (except a producer-handler) in the form of any item named in § 967.41 (a) (1), (2), or (3) unless utilization as Class II milk is mutually indicated in writing to the market administrator by both handlers on or before the 9th day after the end of the delivery period within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee handler after the subtraction of other source milk pursuant to § 967.46, and any excess of such skim milk or butterfat, respectively, shall be assigned to the other class;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of any item named in § 967.41 (a) (1), (2), or (3);

(c) As Class I milk if transferred or diverted to a plant not an approved plant in the form of any item named in § 967.41 (a) (1), (2), or (3), unless (1) the transferor handler claims Class II milk on the basis of utilization mutually indicated in writing to the market administrator by both the receiver and transferor handler on or before the 8th day after the end of the delivery period within which such transaction occurred, (2) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, and (3) in such receiver's plant there actually had been used during such delivery period in the use indicated in such statement, not less than an equivalent amount of skim milk and butterfat derived by him from milk or cream: *Provided*, That if upon inspection of such receiver's records of such plant, there had not been used in such indicated use an equivalent amount of skim milk and butterfat so derived, the remaining pounds shall be classified as Class I milk.

§ 967.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 967.46 *Allocation of skim milk and butterfat classified.* The pounds of skim milk and butterfat, respectively, remaining in each class after the following computations shall be the pounds in each class allocated to producer milk:

(a) Subtract, respectively, from the pounds of skim milk and butterfat in

PROPOSED RULE MAKING

Class I milk the pounds of skim milk and butterfat in other source milk which is disposed of as Class I milk in bottles on a route outside the marketing area: *Provided*, That the health authority having jurisdiction over the plant from which such distribution is made has granted approval for receiving and processing for fluid distribution both approved milk and other source milk in such plant, the handler maintains adequate accounts and records of, and practices complete segregation of, producer milk and other source milk used in his Class I milk operations, and that such other source milk is disposed of on a route on which no producer milk is disposed of as Class I milk;

(b) Subtract, respectively, from the pounds of skim milk and butterfat in Class I milk (to the extent Class I milk is available) the pounds of skim milk and butterfat in other source milk which is (1) received in consumer packages as any item specified in § 967.41 (a) (1), (2) or (3) from a plant where milk is subject to the class price provisions of a Federal marketing agreement or order issued pursuant to the act for another fluid milk marketing area, and (2) disposed of without repackaging;

(c) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class (other than the pounds in inventory variations and plant shrinkage of skim milk and butterfat pursuant to § 967.41 (b) (7)), in series beginning with Class II milk, the pounds of skim milk and butterfat in other source milk excluding that subtracted pursuant to paragraphs (a) and (b) of this section;

(d) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from other handlers and assigned to such class pursuant to § 967.44; and

(e) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class in series beginning with Class II milk, the pounds by which such pounds of skim milk and butterfat in all classes exceed, respectively, the total pounds of skim milk and butterfat received in milk from producers.

5. Delete §§ 967.50 through 967.53, inclusive, and substitute therefor the following:

§ 967.50 *Basic formula price.* The basic formula price to be used in computing the price of Class I milk for the delivery period shall be the highest of the prices computed by the market administrator for the delivery period immediately preceding pursuant to paragraphs (a), (b) and (c) of this section:

(a) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices are reported to the market administrator or to the Department by the companies listed below:

Present Operator and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) Compute a price per hundredweight as follows:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, by 6;

(2) Add 2.4 times the simple average, as published by the Department, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by seven, add 30 percent thereof, and multiply by 3.5;

(c) Compute a price per hundredweight by adding together the amounts resulting pursuant to subparagraphs (1) and (2) of this paragraph;

(1) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department, and from the result thus obtained deduct 64.2 cents;

(2) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter, and from the result thus obtained deduct 11 cents.

§ 967.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class I milk for each delivery period shall be computed by the market administrator as follows:

(a) Add to the basic formula price (3.5 percent milk) the following amount for the delivery period indicated: May and June \$0.60; July through November, inclusive, \$1.00; and all others \$0.80: *Provided*, That for each percent that the most recent "current supply-

demand ratio" computed pursuant to paragraph (d) of this section is greater or less than the applicable percentage contained in the schedule set forth in paragraph (d) (4) of this section, the Class I price differential computed prior to this proviso shall be increased or decreased, respectively, by the following amounts for the delivery period indicated: May and June, \$0.02; July, August, September, October and November, \$0.04; all others \$0.03: *And provided further*, That any adjustment made pursuant to the above proviso in this paragraph shall be limited to 16 cents for the delivery periods of May and June; 30 cents for the delivery periods of July through November; and 24 cents for all other delivery periods; but in no event shall the Class I price differential computed pursuant to this paragraph be less than 60 cents.

(b) Add together the amount computed pursuant to § 967.50 (c) (2) and any amount per hundredweight by which (on a 3.5 percent butterfat basis) the effective basic formula price pursuant to § 967.50 is higher than the price computed pursuant to § 967.50 (c), divide such sum by 0.035, and then add thereto the following amount for the delivery period indicated: May and June, \$8.25; July through November, inclusive, \$13.75; and all others, \$11.00: *Provided*, That such amount for the delivery period indicated shall be increased or decreased, as the case may be, by the amount per hundredweight resulting from the provisos of paragraph (a) of this section divided by 0.035. The resulting amount shall be the price of butterfat in Class I milk.

(c) Subtract from the price computed pursuant to paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the price of skim milk in Class I milk.

(d) On or before the last day of each delivery period the market administrator shall make the following computations based upon the reported receipts and utilization of handlers as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as computed by the market administrator under the latter order:

(1) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 6-month period and divide the result by 6;

(2) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 6-month period and subtract therefrom (i) the amount of Class I and Class II milk disposed of in bulk outside the surplus milk manufacturing area, and (ii) the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 6-month period, and divide the result by 6;

(3) Divide the amount obtained in subparagraph (2) by the amount ob-

tained in subparagraph (1) of this section and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio";

(4) Determine the number of percentage points that the current supply-demand ratio is above or below the percentage for the corresponding 6-month period appearing in the following schedule;

6-months included in supply-demand ratio computation	Per-cent	Delivery period subject to adjustment
January through June.....	62	August.
February through July.....	62	September.
March through August.....	64	October.
April through September.....	67	November.
May through October.....	71	December.
June through November.....	76	January.
July through December.....	81	February.
August through January.....	79	March.
September through February.....	76	April.
October through March.....	72	May.
November through April.....	68	June.
December through May.....	64	July.

(5) In making the computations specified in subparagraphs (1) and (2) of this paragraph, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Orders 41 and 69 when it is necessary to use data for delivery periods prior to the effective date of this paragraph.

§ 967.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class II milk for each delivery period shall be computed by the market administrator as follows:

(a) The price of butterfat in Class II milk shall be the producer butterfat differential computed for such delivery period pursuant to § 967.81 times 1000.

(b) The price of skim milk in Class II milk shall be computed by subtracting the hundredweight price of butterfat computed pursuant to paragraph (a) of this section times 0.035, from the price determined pursuant to paragraph (c) of this section, and divide the remainder by 0.965.

(c) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or the Department by the companies listed below:

Present Operator and Location

Goshen Milk Condensing Co., Goshen, Ind.
Litchfield Creamery Co., Warsaw, Ind.
New Paris Creamery Co., New Paris, Ind.

6. Delete from § 967.60 the words "and Class II."

7. Delete from § 967.70 the phrase "from the various classes"; delete also from such section the cross-reference "§ 967.46 (d)" and substitute therefor "§ 967.46 (e)."

8. Delete § 967.80 and substitute therefor the following:

§ 967.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 18th day after the end of each delivery period, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for such delivery period pursuant to § 967.71 adjusted by the producer butterfat differential pursuant to § 967.81, for all milk received from such producer during such delivery period and less payment to such producer made pursuant to paragraph (c) of this section: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 967.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such delivery period, not less than the value of skim milk and butterfat in such milk computed at the minimum class prices, less payments to such association made pursuant to paragraph (c) of this section. For the purpose of determining the classification of skim milk and butterfat in such milk, such skim milk and butterfat shall be ratably apportioned among the quantities of skim milk and butterfat in such handler's Class I milk and Class II milk allocated to producer milk pursuant to § 967.46.

(c) On or before the 4th day after the end of such delivery period, each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the uniform price for 3.5 percent milk last announced by the market administrator, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such delivery period: *Provided*, That in the event any producer or cooperative association discontinues shipping to such handler during any delivery period, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such delivery period shall be made on the 18th day after the end of such delivery period pursuant to paragraphs (a) and (b) of this section.

Order of Secretary Directing That Referendum Be Conducted Among Producers Supplying Milk in South Bend-La Porte, Ind., Marketing Area, and Designation of Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act

of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area) who, during the month of March 1951 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

Ralph Plummer is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

[F. R. Doc. 51-7245; Filed, June 25, 1951; 8:52 a. m.]

[7 CFR, Part 975]

[Docket No. AO-179-A7 and 8]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Cleveland, Ohio, on December 27-29, 1950, and March 21, 1951, pursuant to notices thereof which were issued December 7, 1950 (15 F. R. 8783) and March 12, 1951 (16 F. R. 2476) upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area.

Upon the basis of the evidence introduced at such hearings and the records thereof, the Assistant Administrator, Production and Marketing Administration, on April 2, 1951, and on May 4, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decisions. Notices of the filing of such recommended decisions and opportunity to file written exceptions thereto were published in the FEDERAL REGISTER on April 6, 1951 (16 F. R. 3014) and on May 10, 1951 (16 F. R. 4354).

Within the period reserved for filing exceptions, exceptions were submitted on behalf of producers and handlers. These exceptions have been considered and appropriate revisions made. To the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Preliminary statement. The material issues presented on the record of the

hearing were whether the order should be amended to provide for:

(1) An increase in the Class I price differentials;

(2) The classification of skim milk and butterfat in concentrated milk as Class I;

(3) A change in the classification of fluid cream with appropriate price changes;

(4) The elimination of certain transfer provisions applicable to transfers of milk between plants during delivery periods in which other source milk is received and a change in the method of allocating other source milk;

(5) A revision of the delivery performance requirements relating to the qualification of milk plants as "pool plants" and the elimination from the order of a listing of pool plants;

(6) A revision of the location adjustments applicable to producer milk received at country plants and on milk moved by handlers from country plants to the marketing area;

(7) The inclusion of a special provision for the classification and pricing of milk disposed of in other marketing areas covered by a Federal order;

(8) A change in the pool value computation provisions;

(9) Payment of the difference between the Class I and Class III prices of other source milk in Class I under certain conditions by the operator of the bottling plant handling such milk.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The average annual minimum Class I price differential should be increased approximately 21 cents per hundredweight.

The present Class I price differentials, which are added to manufacturing milk prices to reflect supply and demand conditions affecting the market for approved fluid milk, average \$1.05 per hundredweight. Different amounts are added in the different seasons of the year, primarily to provide seasonal prices to producers as an incentive for more even production throughout the year. These differentials are 85 cents in May and June, \$1.00 in March, April, July and August, and \$1.15 September through February.

These differentials have not been sufficient to maintain an adequate supply of milk for the Cleveland market. Dairy farmers supplying other fluid markets in Pennsylvania and Ohio and whose farms are located in the same areas as producers who supply the Cleveland market, have received higher prices for milk than the minimum prices provided by Order 75. Handlers subject to Order 75 testified that because of these differences in prices and in order to prevent producers from shifting to these other markets, it has been necessary to pay premiums over order prices. The record shows that premiums have been paid in every month since the order became effective in September 1946.

Because of the large size of the city and its location on Lake Erie, it is necessary to secure about half of the milk supply of the City of Cleveland from

production areas so far distant that direct shipment from the farms to marketing area plants is not economical. Milk from these distant areas is received at country stations, minimum prices to the producers who deliver it are subject to location adjustment deductions, and handlers are allowed a location credit on such milk moved to the marketing area. Most of the country stations receiving this milk are located within the milksheds of smaller cities and receive milk from dairy farms located among farms from which milk is shipped directly to bottling plants in the smaller cities. The price paid for such milk is not subject to location adjustments. A comparison of Class I prices in the areas where the various milksheds overlap (city prices less transportation costs) for the period from August 1949 through July 1950 show that minimum Class I prices under Order 75 were below the other markets by the following amounts: Akron, 24 cents; Columbus, 20 cents; Dayton, 34 cents; Springfield (Grade B), 9 cents; Lima, 24 cents; Toledo, 11 cents. The Cleveland Class I price adjusted to the Fort Wayne production area was six cents higher than for the latter market. In several markets the Class I prices have increased relative to Cleveland prices since the period for which these comparisons were made. Obviously, Class I minimum order prices in the Cleveland market must be increased or substantial premium payments must be continued to keep a large number of producers from shifting to these other Ohio markets. Handlers have been meeting this competitive situation by premium payments. The testimony shows, however, that even with the payment of premiums some producers have already been lost to other markets. The proposed adjustment in the minimum Class I differentials will to a large extent incorporate in the Class I price an amount no greater than that previously returned to producers in the form of premium payments. Handlers' costs, therefore, on the average, will not be increased.

The amount of milk which is required to supply fluid consumption in the Cleveland area increased each month in 1950 over the corresponding month of 1949. Although total producer milk receipts increased in the early part of 1950 over 1949, the ratio of producer receipts to fluid sales by the fall months of 1950 was less than the corresponding period of a year ago. By November 1950 producer receipts were actually less than November 1949 while Class I utilization increased more than a million pounds. The testimony indicates that during 1951 the demand will be greater and the supply not any more or perhaps less than it was in 1950 and if the present pricing arrangements are not adjusted the market will be confronted with a serious shortage of producer milk. While the basic formula prices to which the Class I price differentials are added have increased in recent months, this increase will be reflected in the prices paid in the other competing markets which have similar pricing arrangements.

Upon the basis of these facts, it is concluded that a twenty-one cent adjustment in the average annual Class

I minimum price differential coupled with the other changes provided in this decision is necessary to bring minimum prices under Order 75 into appropriate relationship with prices in the major competing markets, reflect the prevailing supply and demand conditions and provide the Cleveland market with an adequate supply of milk.

In the interest of promoting a greater inducement for more uniform production throughout the year and to provide relatively higher prices during the seasons of the year when handlers have found it necessary to pay substantial premiums, the increase in the Class I differentials should obtain chiefly in the fall and winter months. During March and April and July and August the Class I differential should be increased 10 cents per hundredweight and during the period September through February the increase should be 35 cents per hundredweight. This seasonal arrangement of Class I differentials also will be consistent with the pattern of seasonal pricing followed in most of the other major competing markets.

(2) Skim milk and butterfat disposed of as concentrated milk, other than in bulk or in hermetically sealed cans, should be classified as Class I.

Producers stated that a new product, concentrated milk, is being produced from Cleveland pool milk and sold to consumers in the same containers and through the same distribution outlets as fluid milk and cream. It was shown that this product is promoted as a substitute in household use for both fluid milk and cream. An official of the health department testified that milk used to produce concentrated milk for distribution to consumers must meet the same sanitary requirements as milk to be distributed for fluid consumption.

Objection was made by a handler to classifying and pricing milk used in concentrated milk as Class I. It was contended that this product is used as a substitute for cream and evaporated milk as well as fluid milk and that a price incentive is necessary to insure consumer acceptance. A price 45 cents per hundredweight below Class I was suggested to allow about one cent per quart lower cost to handlers than Class I milk.

The quality of milk required for concentrated milk is the same as that required for other products now included in Class I. Concentrated milk appears to be largely used as a replacement for fluid milk which is the principal Class I product. A lower price for one approved milk use will require in the long run higher prices for other uses. A lower cost to the consumers of concentrated milk at the expense of consumers of fluid milk does not appear to be justified. All products which must be made from approved milk should contribute equally to the returns to producers necessary to attract a sufficient supply of approved milk. It is concluded, therefore, that skim milk and butterfat used to produce concentrated milk should be classified as Class I milk. Such classification should apply only when this product is distributed for fluid consumption. If used or disposed of in bulk for use in ice cream or other

manufactured products, or put up in hermetically sealed cans, it should be considered as included in the Class III listing of bulk condensed milk or evaporated or condensed milk in hermetically sealed cans.

The transfer provisions (§ 975.53 and paragraph (a) (2) of § 975.51) should apply to transfers of concentrated milk in the same manner as to other products named in Class I, and the application of these provisions is based on movement in the form of concentrated milk.

(3) Milk contained in cream for fluid consumption should be included in Class I, but at a price 45 cents lower than milk for other Class I uses.

Producers proposed that cream for fluid consumption be included in Class I, but at a 45-cent per hundredweight lower price than other Class I milk and that the Class II butterfat price be lowered to the level of the Class III butterfat price. It was contended that since cream must be made from the same quality of milk as that used for fluid consumption, cream should be a Class I product and the prices for skim milk and butterfat so used should be related directly to the regular Class I price.

Milk used for cream was classified as Class I in the order as initially issued but was later classified as Class II milk after a showing that inspection requirements were less rigid for milk used in cream for fluid consumption. A representative of the Cleveland Health Department testified that after the effective date of the new Grade A regulations, only Grade A milk may be received in a Grade A plant and any cream made in such a plant must be made from milk of the same quality as that used for bottled Grade A milk. It appears that a large proportion of the cream sold in the marketing area will be made from Grade A milk. However, plants will still be allowed to sell Grade B milk and it is expected that some plants will not qualify as Grade A plants. Such plants may make cream from milk not meeting Grade A standards and sell it in competition with cream made from Grade A milk. A price lower than the Class I price for milk sold as fluid milk was therefore proposed for milk used to produce cream. All parties represented at the hearing favored a price for such milk 45 cents per hundredweight lower than the Class I price for milk disposed of for fluid consumption. Such a price appears appropriate under the circumstances, and it is concluded that the Class I and Class I definitions should be revised to include milk used for cream for fluid consumption in Class I and a Class I price proviso should be added to price such milk 45 cents below milk for other Class I uses.

(4) The provisions pertaining to the allocation of other source milk (§ 975.56) and the transfer of such milk (§ 975.53) should be revised in the manner set forth below.

Under the current provisions of the order other source milk is allocated to the lowest price classification available, except during the months of October through January when each handler who receives less producer milk than 110 per-

cent of his Class I sales is permitted to allocate other source milk received to Class I milk. This exception is permitted to the extent of the difference between 110 percent of Class I sales and producer milk receipts. Milk, the handling of which the Secretary determines to be subject to the pricing and payment provisions of another Federal order is termed exempt milk and allocated as other source milk.

Handlers proposed that other-order milk be allocated to the class in which the handler reported its use. Handlers also proposed that the pool plant qualification provisions of the order be changed to permit a plant to qualify as a pool plant in any month in which 50 percent of the dairy farm receipts are furnished to the market. In conjunction with this proposal, it was suggested that some of the objections to the current pool plant provisions also could be overcome by the proration of the receipts of other source milk, thus classifying other source milk in the same manner as producer milk. The testimony indicated that such a provision is necessary primarily during the months of lowest milk production and its application could very well be limited to that period.

Under the Cleveland health regulations, other source milk and cream which is approved for transfer from a non-pool plant to a pool plant must be produced and handled in accordance with the same health regulations as are applicable to milk designated as producer milk under Order 75. However, to be considered as producer milk under the order, this approved milk must be received at a plant designated as a pool plant. There are some plants which hold Cleveland permits as approved sources of milk and cream but are not qualified as pool plants under the order. The market has not received sufficient milk from designated pool plants to fulfill the requirements at all times of the year, and approved milk has been acquired from these non-pool plants.

There are several problems involved in ascertaining promptly pool plants status on the basis of a single month's performance, particularly of plants which may furnish relatively widely fluctuating quantities of milk or of plants which are not regular sources of supply. Producers opposed the proposal for a single month pool plant status on the basis that plants which do not conform with the present pool plant qualification provisions of the order demonstrate that their primary interest is in other markets and their receipts should not be included in the market-wide pool. Some assurances should be given regular producers that their milk is not displaced in the higher valued uses by other source milk. Such protection, however, should not place an unreasonable restriction on the use of approved milk which is first received at a non-pool plant and transferred to a pool plant which does not have an adequate supply of producer milk. It is concluded, therefore, that during the months of October through January other source milk and cream which is approved under the applicable health regulations for fluid uses should

be prorated in accordance with the total utilization of milk in the receiving handler's plant provided that the handler receives less than 110 percent of his Class I utilization as producer milk. This will replace the present provision for the allocation of other source milk under similar circumstances. During these months when additional milk may be needed it will be allocated to various classifications the same as a regular producer's milk. During the months when other source milk is not needed in the market, regular producers will be assured of securing an appropriate share of the market since the proration provision will apply only in the short supply months. Other source milk will not be allocated to the higher value uses in any month unless the handler receiving such milk does not have an adequate supply of producer milk.

The method of classifying milk transferred from a pool plant to the pool plant of another handler is set out in § 975.53 (a) of the order. Specific provisions are applicable for this classification procedure in plants receiving both producer and other source milk. Handlers proposed that these provisos be deleted from the order.

The first proviso to which objection was made requires the market administrator to classify these transfers so as to return the highest valued class utilization to producer milk. The second proviso, which applies to transfers of producer and other source milk among several plants, provides for the allocation of the other source milk transferred to each plant on the basis of the percentage which such other source milk bears to the total quantity of the milk transferred to the receiving plant. In case other source milk is involved in transfers of milk to a bottling plant, and interhandler milk may be transferred in any class agreed upon between seller and receiver, it is necessary to prevent the replacement of producer milk in the higher valued uses by other source milk. The testimony indicates that the present provisions are reasonable in accomplishing this intent. Handlers objections go primarily to the method of allocating other source milk. In view of the proposed changes in the method of allocating other source milk during October through January, it is concluded that the transfer provisions should not be changed.

(5) The performance requirements of country plants in order to establish pool plant status should not be changed.

It is now provided that a nonpool plant which does not operate a route in the marketing area may become a pool plant only by delivering to a pool bottling plant 50 percent or more of the milk received from dairy farms during each of 6 consecutive months. It was proposed to also permit a plant to qualify as a pool plant in any single month when such an amount of milk was delivered to a bottling plant. A pool plant qualified under present order provisions remains a pool plant so long as at least 50 percent of its milk receipts from dairy farms is delivered to pool bottling plants in three of the four months of October through January and at least 10 percent in all months except April through July.

Revision of the provision was proposed so as to qualify a plant as a pool plant any month in which at least 50 percent of its dairy farm milk receipts were delivered to a pool bottling plant.

A representative of the health department testified that the amount of milk available to the market, other than from country plants, is decreasing and that more country plant milk will be needed to meet increasing requirements. The lowest supply of milk in relation to sales occurs in November and December. The six months qualifying period provided in the current order must include one of the months of January, February, or March and the preceding 5 months. Since a country plant must begin to make the 50 percent shipment not later than October to qualify as a pool plant, it was claimed that present requirements make it extremely difficult to develop new sources of pool milk in the months when additional milk is needed. It was also pointed out that the use of other source milk resulted in a prohibitive cost to handlers because other source milk is allocated to the lowest value uses in the receiver's plant, except for the allocation of a limited amount to Class I milk under certain conditions.

Statistical data indicate that in October 1950 nearly 1.5 million pounds more of country pool plant milk was transferred to bottling plants than in October 1949. Receipts of producer milk at country pool plants for the two periods were about the same but for the two preceding months were over 1.5 million pounds lower in 1950. In October 1949 transfers to city plants were 67.66 percent of country pool plant receipts and 72.58 percent in October 1950.

The need for a more readily available source of approved milk in the short supply season is indicated. However, it has been concluded in connection with other issues decided upon herein that the proration of other source milk to all uses in bottling plants having an inadequate supply of producer milk in October through January should be provided. This would in effect give milk shipments from a nonpool country plant the same status as producer milk in any plant in need of such milk for Class I and Class II uses. This change will accomplish substantially the same purpose that proponents desired to accomplish by amending the pool plant provisions. It is concluded therefore that no further change in pool plant qualification provisions is required at this time.

Handlers proposed that the listing of certain plants in the order and the requirement for the publication of a list of qualified pool plants by the market administrator each month be eliminated. They pointed out that 8 of the 18 plants listed in the order are no longer pool plants. The continuation of an obsolete list is confusing to persons not familiar with the details of the pool plant qualifications provisions of the order. The list which the market administrator is required to publish each month must be determined on the basis of handlers' reports for prior months and such determinations may be changed upon audit of handlers' records. Therefore, handlers

who may be interested in the status of individual plants cannot rely solely on the list published by the market administrator. For these reasons it appears that the listing of pool plants in the order and the monthly publication of a list of such plants performs no useful purpose and should be discontinued. A conforming change is required in § 975.32 of the order to limit the application of the disqualification provisions to country pool plants.

Handlers also proposed elimination of the proviso which exempts from the pool plants disqualification provisions of § 975.32 (b) a plant located within the marketing area owned by the Milk Producers Federation of Cleveland. Certain handlers testified that the association had refused to handle excess milk which they offered to the association during the flush production months in 1950. This plant has not been in operation during the past year. The plant had been qualified in order to permit the Association, in an emergency, to handle milk of member producers and to pay these producers the market blend price. Pool plant status of the association plant may be necessary for this purpose, and the pool plant disqualification provisions should not be made applicable to this plant.

(6) The provisions for making location adjustments in the blend prices paid producers for milk received at country pool plants and location allowances to handlers on such milk moved to the marketing area should be revised.

Under the current provisions of the order pool plants located more than thirty miles from the Public Square in Cleveland may deduct from payments to producers 15 cents per hundredweight for plants located more than 30 but less than 45 miles distant. For each additional 15 miles up to 90 miles the rate of permissible deductions is increased by 2 cents per hundredweight. For each 15 mile zone beyond 90 miles the rate is increased by one cent per hundredweight.

Producers and handlers contend that these rates are not adapted to the needs of the market, since premiums have been paid to country station shippers at a rate per hundredweight higher than has been paid direct shippers. The higher premium payments at country stations tends to indicate that there is not a proper relationship between minimum prices provided in the order for milk delivered directly to the marketing area and to country stations.

The Cleveland market not only competes with manufacturing plants for milk but, as previously shown, increased requirements of milk in several other fluid markets have caused their milksheds to be extended into areas which formerly were exclusive suppliers for the Cleveland market. In most cases these areas are located nearer to the competing market than to Cleveland. Because of the factor of location the competing markets, even with a somewhat lower level of prices f. o. b. the market, have been able to provide higher prices at the farm than the minimum prices under Order 75.

These differences in prices may be equalized in part by increasing the class prices f. o. b. Cleveland and to a limited

extent by reducing the location deductions. It is evident from the record and from the facts previously stated that any significant changes in prices at country points must be accomplished by increasing the Class I price differentials.

Producers proposed that no location deductions be made from the prices paid to producers at plants located not more than 60 miles from the marketing area and no allowance be given to handlers on milk moved from such plants. A major portion of the milk which is received at plants which are located not more than 60 miles from the marketing area is produced in areas from which milk may be safely and economically shipped directly to the marketing area.

A detailed study of hauling rates for the month of March 1949 shows that the average hauling rate on milk which is moved from the farm directly to handlers' plants located in the Cleveland marketing area is 33.6 cents per hundredweight. Some direct shipped milk originates as far as 100 miles from the marketing area.

Because the average distance traveled by about three-fourths of the truck routes on which more than 60 percent of the direct shipped milk is moved is less than 70 miles, it is apparent that a major portion of the direct shipped milk originates at farms within a 60-mile radius of the market. The weighted average hauling rate applicable to this milk is 31.6 cents per hundredweight.

The weighted average hauling rate from farms to country pool plants located within 60 miles of the city is 25.3 cents per hundredweight. The present location adjustments in this zone are 15 and 17 cents. Thus, under the provisions of the order and on the average, direct shippers located within 60 miles of the city realize at the farm between 9 and 10 cents per hundredweight more for their milk than shippers to country stations. Under these conditions it would be expected that many of the country station shippers would become direct shippers. The testimony indicated, however, that producers continue to sell their milk to these country stations for several reasons. At times larger premiums have been paid country station shippers than to direct shippers. Farmers have sold their milk through these local plants for a number of years and are reluctant to change their method of sale. Approximately 20 of the bottling plants located within the marketing area have not installed equipment to handle milk received directly from producers and prefer to secure their supplies in tank truck from nearby country plants. Under these circumstances, it would appear that either the handlers who do not maintain receiving facilities should pay the extra cost of acquiring milk through these country plants or producers who are in a position to ship direct to the marketing area and prefer to sell their milk through country stations should bear part of this additional cost. These objectives can be accomplished by eliminating a fixed location adjustment to handlers on milk moved to the marketing area from these nearby plants and permitting the operators of such plants to deduct from the price paid pro-

ducers, if competitive conditions permit, a location adjustment on such milk. Such a deduction would replace the present handler location allowance. Additional costs of acquiring milk through these nearby country stations would then be contributed by either the individual handlers or the producers involved, rather than by all producers as under the present pooled handler allowances. Such a provision for permissive adjustments in the prices paid to producers should promote costs of milk to bottling plants supplied by the nearby country plants more comparable with costs of milk of competing handlers who receive their supplies either directly from producers or from their own country plants. Producers supplying these nearby country plants may also realize a hundredweight return more nearly in accord with the return of producers who ship their milk directly to the marketing area. It is concluded that a maximum allowable deduction at plants located in the 30- to 60-mile zone should be 13 cents per hundredweight. This rate is the equivalent of the rates recommended for the more distant zones.

Handlers proposed that the location adjustments to producers be reduced to 10 cents on milk received at plants located more than 30 and not more than 75 miles from Cleveland and an additional one cent allowed for each 15-mile zone thereafter. They proposed no change in the location allowance rate to handlers.

The adjustment of prices to be paid producers who may deliver milk to country plants is intended to result in prices which reflect the economic value of this milk to the principal market for which it is produced. The location adjustments to handlers are also intended to equalize the cost of milk among handlers who may procure their supplies at different locations in the production area. The value of milk at the various locations in the milkshed is influenced primarily by differences in transportation costs. This principle was followed in establishing the adjustments which were provided in Order 75 at the time it was issued in 1946.

If, as contended by handlers, location adjustments to producers must be reduced to meet competitive prices for milk of other markets at any particular point in the supply area, it follows that the cost to handlers of milk moved to the marketing area from the same point (f. o. b. price less the location allowance to handlers) should also reflect this competitive situation.

Obviously, any reduction in the producer location adjustment at country points will tend to increase the returns of producers delivering to such points but the effects of such a proposal have several serious long run economic consequences. Under the pooling arrangements of Order 75, any reduction in the producer location adjustment at country plants without a corresponding reduction in the handler location allowance reduces returns to producers who ship milk directly to the marketing area. Slightly more than 50 percent of the total receipts from producers is shipped directly from the farm to pool plants

located in the marketing area. In order to encourage and maintain the production of milk in the nearby areas, only minor reductions in prices received by Cleveland producers in these areas relative to the prices received by more distant producers, therefore, should be made. Without other safeguards this would permit the development of more distant sources of fluid milk supplies and increase the costs of acquiring an adequate supply for the market.

The decisions by handlers as to whether or not sources of supply will be developed at country points depends on the allowances given to handlers on milk moved in the marketing area. If these allowance rates are reduced to correspond with the reduction in location adjustments to producers, to something less than the actual cost of moving milk to the marketing area, some of the advantages of building up supplies at more distant points are removed. The reduction in the prices received by direct shippers relative to country station shippers is maintained at a minimum.

It appears that some adjustment may be made in the relative prices which country station producers receive for milk without encouraging uneconomic developments in securing the milk supply. It appears that a reasonable adjustment may be accomplished by applying in the 60 to 75 mile zone the present 15 cent rate which now applies in the 30 to 45 mile zone and allowing an additional one cent increase in the rate for each additional 15 mile zone. This change will increase the returns of producers who ship milk to the more distant country stations by 4 cents per hundredweight relative to direct shippers. Any increase in handlers' costs from the change in the location adjustment will be limited primarily to the amount of milk and cream moved to the marketing area from country stations while producers delivering milk to these plants will receive a relatively higher return on their total deliveries. This change should assist in eliminating the necessity for the payment of premiums to producers at country plants and promote a more equitable price structure than has prevailed under the present order.

It has been concluded that a 21 cent increase should be made in the Class I price differential. This increase in conjunction with the above-mentioned change in location adjustments will result in an increase in the minimum blend order prices to producers of approximately 15 cents for direct shippers, 17 to 19 cents for producers shipping to country stations within 60 miles of the marketing area and approximately 19 cents for other country station shippers.

(7) No special provision should be made for milk disposed of in other areas covered by a Federal order.

It was proposed that the order provide for pricing milk disposed of in the marketing area of another Federal order at the price for the use of such milk under that order if higher than such price under the Cleveland order. The specific problem presented was the disposition of butterfat and skim milk in the Columbus,

Ohio, area by a Cleveland handler for use in ice cream.

In opposition to the proposal it was pointed out that dairy products, particularly cream, are sold by Cleveland handlers in many distant markets and in areas where the conditions determining the use values of milk are greatly different from conditions in the Cleveland area. Prices in these distant areas are not to be appropriately applied to producer milk at Cleveland. Ice cream manufactured and sold in Columbus by a person who does not operate a milk distributing plant is not subject to the order in that market. The proposal, however, would apply certain pricing provisions of the Columbus order to such a person who happened to be a handler under the Cleveland order. It appears that any problems of inequitable pricing may better be handled under the provisions of the order regulating the area where the milk is finally utilized.

(8) No change should be made in the pool value computation provisions.

The order provides that the value of milk of handlers who are in default in payments required to be made to the producer-settlement fund for the preceding period be excluded in computing the uniform price. Handlers proposed that this provision be eliminated. It was shown that under extreme conditions of almost universal default in payments, unwarranted variations in the uniform price might occur. However, such a situation is highly improbable. This same change was proposed at a previous hearing and it was concluded at that time that the provisions objected to was intended to insure the solvency of the producer-settlement fund and should not be deleted. No evidence was submitted to indicate that this conclusion should be changed.

(9) A handler operating a bottling plant receiving less than 50 percent of its milk supply as producer milk should be required to pay to the producer-settlement fund the difference between the highest Class III and the Class I prices on other source skim milk and butterfat allocated to Class I.

Section 975.72 (b) of the order provides for a payment similar to that recommended above but the obligation to make the payment is placed on the operator of the non-pool plant from which the milk is shipped rather than the operator of the pool bottling plant at which the milk is received. It was proposed by the Dairy Branch to put this obligation on the operator of the bottling plant to simplify and make more effective the administration of the provision. The bottling plant handler makes monthly reports to the market administrator, monthly payments are made to or received from the producer-settlement fund, regular audits are made of the plant operations and the plant is located in or near the marketing area. The market administrator normally has no contact with the non-pool plant and it may be located at a great distance from Cleveland. Also the operator of the pool plant can usually avoid the situation in which such payment is required while the non-pool plant operator usual-

ly has no control over or no knowledge of this situation.

Producers and handlers approved the change proposed, but producers suggested also changing the percentage of producer milk received from less than 50 percent to less than 90 percent. Handlers objected to such a change for several reasons, including the lack of consideration by interested parties because no proposal for such a change was included in the notice of hearing. It is concluded that no change should be made in the percentage at this time and that any such change should be based on more thorough consideration at a future hearing.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order as hereby proposed to be amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order as hereby proposed to be amended will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of March 1951, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order regulating the handling of milk in the Cleveland, Ohio, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL

REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 20th day of June 1951.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

Order, Amending the Order, as Amended, Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area

§ 975.0 **Findings and determinations.** The findings and determinations set forth in this subpart are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this subpart.

(a) **Findings upon the basis of the hearing record.** Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Cleveland, Ohio, on December 27-29, 1950, and on March 21, 1951, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Cleveland, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 975.30 (b) and substitute therefor the following:

(b) A plant other than a plant named in paragraph (a) of this section which either was a qualified pool plant on December 31, 1950, or has become a pool plant pursuant to paragraph (c) of this section.

2. Delete § 975.51 (a) (1) and substitute therefor the following:

(1) Disposed of for fluid consumption as milk, skim milk, buttermilk (except for livestock feed), flavored milk or flavored milk drinks, sweet or sour cream, or eggnog, or used to produce concentrated milk disposed of for fluid consumption.

3. Delete § 975.51 (b) and substitute therefor the following:

(b) Class II milk shall be all skim milk and butterfat in frozen cream or used to produce any milk product not specified in Class I milk or Class III milk and containing 8 percent or more of butterfat; ice cream, imitation ice cream, and other frozen desserts and mixes for such products (liquid or powdered); or cottage cheese.

4. Redesignate paragraphs (e) and (f) of § 975.56 as paragraphs (d) and (e) respectively, and delete paragraphs (b), (c) and (d) and substitute therefor the following:

(b) For the delivery periods of October, November, December and January, if the total pounds of butterfat received from producers and pool plants is less than 110 percent of the total pounds of butterfat classified as Class I milk, not including reconstituted skim milk or Class I milk transferred to pool plants or nonpool plants, subtract pro rata from the pounds of butterfat remaining in each class the pounds of butterfat received in other source milk.

(c) Except as provided in paragraph (b) of this section, subtract from the pounds of butterfat remaining in each class in series beginning with the lowest priced utilization the pounds of butterfat received in other source milk.

5. Delete § 975.61 (a) and (b) and substitute therefor the following:

(a) Add to the basic formula price the following amount for the delivery period indicated:

Delivery period	Amount
May and June.....	\$0.85
March, April, July and August.....	1.10
All others.....	1.50

Provided, That with respect to Class I milk in sweet or sour cream for fluid consumption, the amount added to the basic formula price shall be the amount set forth above in this paragraph less 45 cents.

(b) The price of butterfat shall be the amount obtained in paragraph (a) of this section multiplied by 20.

6. Delete § 975.71 and substitute therefor the following:

§ 975.71 *Location adjustments to handlers.* With respect to the actual weight of any product named in Class I and Class II which is (a) moved directly to the marketing area from a pool plant located outside the marketing area; and (b) disposed of outside the marketing area as Class I or Class II milk from a pool plant so located there shall be deducted in the computation of the handler's pool value with respect to such amounts moved or disposed of from plants located more than 60 miles but not more than 75 miles by shortest highway distance from the Public Square, Cleveland, Ohio, as determined by the market administrator, 15 cents per hundredweight, from plants located as so determined more than 75 miles but not more than 90 miles, 17 cents per hundredweight and an additional 1 cent for each additional 15 mile zone; *Provided*, That such adjustment shall be limited to an amount of the specified items so moved which could be derived from the milk received from producers at such plants.

7. Delete § 975.72 (b) and substitute therefor the following:

(b) For each delivery period, the pool value pursuant to § 975.70 for each handler who operates a pool plant designated pursuant to paragraph (a) of § 975.30 which received within such delivery period less than 50 percent of its total receipts of skim milk and butterfat from producers or from other pool plants shall be increased by an amount computed by multiplying the amount of skim milk and butterfat in other source milk received which is classified as Class I milk by the difference between the price for skim milk and for butterfat in Class I milk and the highest price for skim milk and for butterfat, respectively, in Class III milk.

8. Insert "(b)" following the figure "975.81" in paragraph (c) of § 975.73.

9. Delete § 975.81 and substitute therefor the following:

§ 975.81 *Location adjustments to producers.* In making payments pursuant to paragraphs (a) and (b) of § 975.80, a handler may deduct, with respect to all milk received from producers at a plant outside the marketing area and located, as determined by the market administrator, by shortest highway distance from the Public Square in Cleveland, Ohio:

(a) More than 30 miles but not more than 60 miles, an amount not to exceed 13 cents; and

(b) More than 60 miles but not more than 75 miles, an amount not to exceed 15 cents, more than 75 miles but not more than 90 miles, an amount not to exceed 17 cents, and an additional 1 cent for each additional 15 mile zone.

10. Insert following "§ 975.80" in paragraph (a) of § 975.84 the following: "before subtracting any location adjustment pursuant to § 975.81 (a)".

11. Insert following "§ 975.80" in § 975.85 the following: "before subtract-

ing any location adjustment pursuant to § 975.81 (a)".

12. Insert following the word "under" in the first sentence of § 975.32 the following: § 975.30 (b) or (c) under".

Order of the Secretary Directing That Referendum Be Conducted Among Producers Supplying Milk to the Cleveland, Ohio, Marketing Area; and Designation of an Agent to Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order regulating the handling of milk in the Cleveland, Ohio, marketing area) who, during the month of March 1951 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

Howard G. Eisaman is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 25th day from the date this referendum order is issued.

[F. R. Doc. 51-7224; Filed, June 25, 1951; 8:46 a. m.]

[7 CFR, Part 991]

[Docket No. AO-194-A-4]

HANDLING OF MILK IN ROCKFORD-FREEPORT, ILL., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Rockford, Illinois, on May 25, pursuant to notice thereof issued on May 15, 1951, and on amended notice issued May 17, 1951 (16 F. R. 4665; 4727).

The material issues of record related to:

(1) Revision of the price differentials (over basic formula price) for Class I milk and Class II milk; also minor revisions to other price provisions;

(2) The introduction of a "market-wide pool" to replace the "individual-handler pools";

(3) The classification of milk, flavored milk and flavored milk drink in concentrated form as Class I milk;

(4) Modification of the provisions applicable to other source milk and its allocation in determining the classification of producer milk;

(5) Other revisions for administrative

purposes and to clarify the regulation; and

(6) The emergency character of marketing conditions and the need for immediate change in the order provisions.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The class price differentials should be revised to the extent necessary to maintain a close alignment between the prices of Class I milk and Class II milk under the order and the prices of Class I milk and Class II milk for the Chicago, Illinois, marketing area.

Farms of producers supplying milk to the Chicago and Rockford-Freeport marketing areas are intermingled in an area in the vicinity of the latter market, and are affected comparably by the prices and supplies of feeds and other production conditions in this area. Certain handlers regulated by the present Chicago and Suburban Chicago orders operate distribution routes in the Rockford-Freeport marketing area in competition with locally regulated handlers. It was testified that as much as 52 percent of the bottled milk distributed in the city of Rockford originates at plants under the Chicago or Suburban Chicago orders. It appears that Grade A milk priced under the latter orders is readily available to both major communities in the Rockford-Freeport marketing area. The exceedingly close competitive relationship between the Chicago and Rockford-Freeport markets as to both the purchase of milk from producers and the distribution of milk by handlers must be recognized in establishing a price level for Rockford-Freeport. This is appropriate also because the Chicago market (a) is the primary source of supplemental, or emergency, milk supplies for the Rockford-Freeport market, and (b) in the past has received for disposition substantial quantities of milk of Rockford producers with the effect of reducing the seasonal excesses of milk on the latter market.

It is concluded in view of these circumstances that the Class I price differential should be set so as to keep the Class I and Class II prices in close relationship, respectively, with the prices of milk disposed of for fluid milk and cream consumption under the Chicago order. It has been determined recently that a "supply-demand adjustment" provision be included in the Chicago order to vary the Class I price differential automatically as changes occur in the relationship between producer receipts and Class I and Class II sales. In view of the showing of a high degree of similarity in conditions affecting the production and marketing of milk for fluid use in the two market areas, any adjustment in the Class I and Class II price differentials under such provision of the Chicago order would be equally appropriate at this time in connection with the Class I and Class II price differentials under the Rockford-Freeport order and should be made. As further means to maintain a proper price relationship between the markets, the fall price differential should be made to apply under the Rockford-

Freeport order from July through November rather than to the August-November period.

Producers' organizations in the market contended that Class I and Class II prices should be established so as to exceed the Chicago "70-mile zone" (or 55-70 mile zone under recently issued decision on amendments to the Chicago order) prices by 10 cents per hundredweight. This contention was predicated on record information indicating hauling subsidies of as much as 10 cents per hundredweight paid Chicago producers in a portion of the area from which Rockford milk supplies are drawn. Current Class I and Class II prices are equivalent to Chicago Class I and Class II prices for the 70-mile zone. On this point it should be noted also from the record that the city of Rockford is located approximately 85 miles from Chicago near the perimeter of zone 2 in the Chicago order zoning structure. A substantial proportion of the supply of Rockford handlers is drawn from the area included in this zone (70-85 miles from Chicago) of the Chicago milkshed and the overlapping of supplies for the two markets occurs most frequently in this zone. The milk of one handler who operates distribution routes in Rockford and who will be under the provisions of the Chicago order (as revised) is priced at the zone 2 level under the latter order. The city of Freeport (a smaller consuming center than Rockford) is about 34 miles farther west from Chicago and the milkshed for such community lies primarily in zones 3 and 4 of the Chicago milkshed.

In view of all the circumstances outlined in the preceding paragraphs, it is concluded that the Class I price under the Rockford-Freeport order should be aligned with the minimum price of Class I milk for zone 2 under the Chicago order (the difference between the zone 1 and zone 2 prices for Class II milk under the latter order is not substantial). On the basis of the price schedule adopted, the monthly minimum uniform price for milk delivered to Rockford plants may be expected (based on data for the last six months) to result in net returns to Rockford-Freeport producers at least as favorable as those received by Chicago producers under the minimum price provisions of the Chicago order for milk delivered to a plant in the 55-70 mile zone.

Revision of the basic price formula which employs the market prices of butter and nonfat dry milk solids has been made to provide for the use of the prices of spray process nonfat dry milk solids in lieu of the average of prices of nonfat dry milk solids by both spray process and roller process. This change is made to keep the formula in line with the butter-nonfat dry milk solids price formula in the Chicago order as revised in the recently adopted decision. The level of the price to result from such formula will not be affected appreciably by this change under present conditions. A change has been made also in the butter-cheese price formula to employ prices of "Cheddars" at all times rather than as an alternate to prices of "Twins." This will prevent any variation in the price level resulting from this formula from

that resulting under a formula employed similarly in the Chicago order.

(2) A "market-wide pool" should be adopted to replace "individual-handler pools."

Under the individual-handler method of distributing returns for milk to producers, the cooperative association representing producers in the Freeport segment of the marketing area has been placed at a disadvantage because such pooling plan does not, in view of the established organization of the market and prevailing practices for handling the milk supply, provide for a sharing of the burden of "surplus" milk by all producers under the order to a sufficient degree. The Freeport association assumes responsibility for disposing of inspected milk to manufacturing outlets whenever it is not needed by Freeport handlers. In so doing, the comparatively low value of the "surplus" milk of the market so disposed of is reflected in net returns to the producer members of the association. This is particularly significant in connection with their proceeds for milk during the months of seasonally high milk production. A substantial proportion of the supply for the Freeport market is received by a handler from farms not operated by members of the association. Such handler purchases supplemental supplies as necessary, in the precise quantities desired, from the association. Thus, such handler is in a position to keep at a minimum his milk supply in excess of actual Class I and Class II needs and to pay higher prices to producers than are possible under the order for association members, as long as the latter performs the desirable service of disposing of market surpluses. Also, milk is being distributed in the city of Freeport by a handler at Rockford and to the extent that such handler gains in Class I sales in Freeport, the Freeport producers receive less in net returns pursuant to the order as compared with producers supplying Rockford handlers.

The introduction of a market-wide method of distributing returns for milk to producers will provide for an equitable sharing among all producers of the lower value of surplus milk as compared with milk used for fluid milk and cream and make it possible for all producers supplying the marketing area to receive comparable returns as computed under the minimum price provisions of the order.

(3) The definition of Class I milk should be revised to include milk, flavored milk and flavored milk drinks which have been concentrated but not sterilized.

In recent months a product referred to in the trade as "concentrated milk" has been introduced in a number of markets. This product is made by concentrating fresh, whole milk at a low temperature with a high vacuum. The product is not sterilized and is disposed of to consumers for consumption in fluid form by the addition of water; or it may be used in the concentrated form for addition to coffee, cereals, etc. Its appeal for use as a beverage is stressed in promotional advertising. The product is being distributed currently in markets

fairly close to the Rockford-Freeport marketing area. Also, milk is being distributed in nearby markets as frozen concentrated milk and as flavored milk or milk drink in concentrated, frozen form. It appears that milk of the quality equivalent of regular bottled milk is necessary to its disposition within the marketing area.

In view of the above, it is concluded that they should be grouped, for classification purposes, with fresh, whole milk sold for consumption in fluid form and flavored milk and milk drinks made from fluid milk or skim milk at such time as they may be distributed by handlers under the order.

(4) The provisions under which other source milk is allocated in milk classification should be modified.

Rockford handlers proposed the addition of a definition of "emergency milk" to the order. If adopted this would establish two separate categories of milk and milk products received by a handler from sources other than producers or other handlers for allocation purposes. In connection with this proposal, it was complained that milk received as supplemental supplies, particularly from plants regulated by the Chicago order where it is paid for by the Chicago handler as Class I milk, should not be allocated first to Class III utilization in the Rockford handler's plant. It was stated further that milk or cream is received from such a source only when needed for Class I or Class II uses in Rockford plants since such plants do not maintain facilities for converting substantial quantities of milk into manufactured milk products and that milk or cream of Grade A quality purchased would be too costly for manufacture. The months of greatest need for such supplies were stated to be the fall months of seasonally low production.

The principal sources of supplementary milk supplies for Class I and Class II uses by Rockford-Freeport handlers are plants under the Chicago order. The record discloses also that certain Chicago plants have received and handled during the past several months milk transferred from the Rockford market which otherwise would have been available locally to satisfy Class I requirements. The proximity of the Chicago plants relieves in a large measure the necessity for Rockford handlers to carry substantial quantities of milk over their fluid milk and cream needs. This tends to increase the uniform price for Rockford-Freeport producers. Under these circumstances, the Chicago producers should receive the benefit as Class I and Class II milk of any sales of milk, skim milk and cream to Rockford and Freeport handlers, as is provided by the Chicago order. Correspondingly, such milk, skim milk or cream received at Rockford-Freeport plants should not be allocated in series beginning with Class II milk. It is concluded, therefore, that in the months of September through December, when local supplies are at their lowest levels, outside supplies received from plants regulated by other orders in the form of milk or skim milk

should be allocated first to Class I milk, and cream received from such sources should be allocated to Class II milk. By limiting such allocation to these months, the uniform price to Rockford-Freeport producers should not be reduced by an inordinate amount. Other source milk not received from such sources or received in other forms should continue to be allocated in series beginning with Class III milk.

(5) Minor revisions should be made for administrative purposes and for clarification.

Certain other changes are necessary to make the entire order conform with the amendments adopted and to relate the provisions of this order properly with those of the order in effect in the Chicago marketing area. Such changes are self-explanatory and are reflected in the amendments adopted.

(6) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exceptions thereto.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendments. Accordingly, the time necessarily involved in the preparation, filing and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. The propriety of omitting the recommended decision and opportunity of filing exceptions thereto with respect to all proposals considered was indicated by both producers and handlers on the record.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Rulings on briefs. A brief was filed on behalf of the Rockford, Illinois, handlers. The brief contained proposed findings of fact, conclusions and argument with re-

spect to the proposals discussed at the hearing. Every point covered in the brief was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the brief are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Determination of representative period. The month of April 1951 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Rockford-Freeport, Illinois, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Rockford-Freeport, Illinois, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusion. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the *FEDERAL REGISTER*. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 21st day of June, 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order Amending the Order, as Amended, Regulating the Handling of Milk in the Rockford-Freeport, Illinois, Marketing Area

§ 991.0 **Findings and determinations.** The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations

* This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) **Findings upon the basis of the hearing record.** Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Rockford-Freeport, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete in § 991.22 (d) the cross-reference "§ 991.82" and substitute therefor "§ 991.85".

2. Delete in § 991.22 (d) (3) the cross-reference "§ 991.83" and substitute therefor "§ 991.86".

3. Delete § 991.22 (f) (3) and substitute therefor the following:

(3) made the payments required under §§ 991.80, 991.81, 991.83, 991.85, or 991.86;

4. Delete § 991.41 (a) (1) and substitute therefor the following:

(1) Disposed of (except as provided in paragraph (c) (4) of this section) (i) in fluid form as milk, skim milk, buttermilk, flavored milk, and flavored milk drinks, and (ii) in fluid or frozen form as concentrated milk, flavored milk, and flavored milk drink not sterilized; or

5. Delete § 991.46 (a) (2) and renumber subparagraphs (3) and (4) of

§ 991.46 (a) as subparagraphs (5) and (6), respectively, of such paragraph.

6. Add the following as subparagraphs (2), (3) and (4) of § 991.46 (a):

(2) Subtract from the pounds of skim milk in Class I milk (to the extent available), the pounds of skim milk in other source milk received during September through December, inclusive, in bulk as milk or skim milk in fluid form from a plant where milk is priced under the class price provisions of a marketing agreement or order issued pursuant to the act for another fluid milk marketing area;

(3) Subtract from the pounds of skim milk in Class II milk (to the extent available), the pounds of skim milk in other source milk received during September through December, inclusive, in bulk as cream in fluid form from a plant as described in subparagraph (2) of this paragraph;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest priced available use, the pounds of skim milk in other source milk not otherwise subtracted pursuant to subparagraphs (2) and (3) of this paragraph.

7. Delete paragraphs (b) and (c) of § 991.50 and substitute therefor the following:

(b) The price per hundredweight computed from the following formula:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, by 6;

(2) Add 2.4 times the simple average, as published by the Department, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by 7, add 30 percent thereof, and multiply by 3.5;

(c) The price per hundredweight computed as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department;

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 75.2 cents.

8. Delete §§ 991.51 and 991.52 and substitute therefor the following:

§ 991.51 *Class I milk prices.* (a) Subject to the provisions of § 991.54, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler at his plant, for Grade A producer milk received and classified as Class I milk, shall be the basic formula price as determined pursuant to § 991.50 for the preceding delivery period, plus the following amounts as indicated: May and June, \$0.48; July through November, inclusive, \$0.88; and all other delivery periods, \$0.68: *Provided*, That for each percent that the "current supply-demand ratio" computed pursuant to § 991.55 is greater or less than the applicable percentage contained in the schedule set forth in paragraph (d) of such section, the Class I price differential computed prior to this proviso shall be increased or decreased, respectively, by the following amounts: May and June, \$0.02; July through November, inclusive, \$0.04; all other delivery periods, \$0.03: *And provided further*, That any adjustment made pursuant to the above proviso of this section shall be limited to 16 cents in May and June; 30 cents in July through November, inclusive; and 24 cents in all other delivery periods; but in no event shall the Class I price differential computed pursuant to this paragraph be less than 48 cents.

(b) The minimum price per hundredweight for non-Grade A producer milk received and classified as Class I milk shall be the price computed pursuant to paragraph (a) of this section, less 10 cents.

§ 991.52 *Class II milk prices.* (a) Subject to the provisions of § 991.54, the minimum price per hundredweight, on a 3.5 percent butterfat content basis, to be paid by each handler at his plant, for Grade A producer milk received and classified as Class II milk, shall be the basic formula price as determined pursuant to § 991.50 for the preceding delivery period, plus the following amounts as indicated: May and June, \$0.30; July through November, inclusive, \$0.50; all other delivery periods, \$0.40: *Provided*, That such amount for the delivery period shall be adjusted by the amount of any adjustment made in the Class I price differential pursuant to the first proviso of § 991.51; but in no event shall the Class II price differential computed pursuant to this paragraph be less than 40 cents in the delivery periods of July through November, inclusive, or less than 30 cents in all other delivery periods.

(b) The minimum price per hundredweight for non-Grade A producer milk received and classified as Class II milk shall be the price computed pursuant to paragraph (a) of this section, less 10 cents.

9. Add the following as § 991.55:

§ 991.55 *Supply-demand adjustment.* On or before the last day of each delivery period the market administrator shall make the following computations based upon the reported receipts and utilization of handlers as defined in the order,

as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as computed by the market administrator under the latter order:

(a) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 6-month period and divide the result by 6;

(b) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 6-month period and subtract therefrom (1) the amount of Class I and Class II milk disposed of in bulk outside the surplus milk manufacturing area, and (2) the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 6-month period, and divide the result by 6;

(c) Divide the amount obtained in paragraph (b) by the amount obtained in paragraph (a) of this section and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio";

(d) Determine the number of percentage points that the current supply-demand ratio is above or below the percentage for the corresponding 6-months' period appearing in the following schedule.

6-months included in supply-demand ratio computation	Percent	Delivery period subject to adjustment
January through June.....	62	August.
February through July.....	62	September.
March through August.....	64	October.
April through September.....	67	November.
May through October.....	71	December.
June through November.....	76	January.
July through December.....	81	February.
August through January.....	79	March.
September through February.....	76	April.
October through March.....	72	May.
November through April.....	68	June.
December through May.....	64	July.

(e) In making the computations specified in paragraphs (a) and (b) of this section, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Orders 41 and 69 when it is necessary to use data for delivery periods prior to the effective date of this section.

10. Delete in § 991.60 the cross reference "991.84" and substitute therefor "991.87".

11. Add the word "and" at the end of § 991.61 (b).

12. Delete the word "and" from § 991.61 (c) and replace the semi-colon (;) with a period (.)

13. Delete § 991.61 (d) in its entirety.

14. Add the following as § 991.62.:

§ 991.62 *Pricing and payment for Grade A and non-Grade A producer milk.* Grade A and non-Grade A producer milk shall be classified separately under the procedure established in §§ 991.40 through 991.46, inclusive. The values of such respective types of milk shall be computed separately under the provisions of § 991.70 and separate uniform prices shall be computed pursuant to the procedure described in § 991.71. Separate producer-settlement funds shall be established and operated pursuant to §§ 991.82 through 991.84.

15. Delete §§ 991.70 through 991.72 and substitute therefor the following:

§ 991.70 *Computation of value of producer milk.* The value of producer milk received during each delivery period by each handler shall be computed by the market administrator by multiplying the pounds in each class pursuant to § 991.46, by the applicable class prices, adding together the resulting amounts, and adding the amounts computed as follows: Multiply the pounds subtracted from the various classes pursuant to § 991.46 (a) (6) and § 991.46 (b) by the respective applicable class prices.

§ 991.71 *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for producer milk (3.5 percent butterfat content) as follows:

(a) Combine into one total the values computed pursuant to § 991.70 for all handlers who made the reports pursuant to § 991.30 except those in default of payments required pursuant to § 991.83 for the preceding delivery period;

(b) Subtract, if the weighted average butterfat test of producer milk is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an amount computed by: Multiplying the amount by which such weighted average butterfat test differs from 3.5 percent by the butterfat differential computed pursuant to § 991.81 and multiplying the resulting amount by the hundredweight of such milk;

(c) Add an amount representing the cash balance on hand in the producer-settlement fund less the amount of unpaid obligations to handlers pursuant to §§ 991.84 and 991.87;

(d) Divide by the hundredweight of producer milk; and

(e) Subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest cent) from the amount computed under paragraph (d) of this section.

§ 991.72 *Notification to handlers.* On or before the 11th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing (a) the amount and value of his milk in each class and the totals thereof; (b) the applicable minimum class prices and uniform price; (c) the amount owed by him to, or the amount due him from, the producer-settlement fund, pursuant to § 991.83 or 991.84; and (d) the amounts to be paid by him pursuant to §§ 991.80, 991.85, 991.86 and 991.87.

16. Delete §§ 991.80 through 991.84 and substitute therefor the following:

§ 991.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 15th day after the end of each delivery period, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for such delivery period pursuant to § 991.71 adjusted by the producer butterfat differential pursuant to § 991.81, for all milk received from such producer

during such delivery period: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 991.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 13th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such delivery period, not less than the value of such milk computed at the uniform price, adjusted by the producer butterfat differential pursuant to § 991.81.

§ 991.81 *Producer butterfat differential.* In making payments pursuant to § 991.80 there shall be added to, or subtracted from, the uniform price, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, an amount computed by multiplying the average of the daily wholesale prices per pound of 92-score butter at Chicago during the delivery period as reported by the Department, by 0.12 and rounding to the nearest tenth of a cent.

§ 991.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit payments made by handlers pursuant to § 991.83 and payments related thereto pursuant to § 991.87 and out of which he shall make all payments to handlers pursuant to § 991.84 and payments related thereto pursuant to § 991.87.

§ 991.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the value of producer milk received by such handler during such delivery period pursuant to § 991.70 is greater than the total of amounts to be paid pursuant to § 991.80.

§ 991.84 *Payment out of the producer-settlement fund.* On or before the 14th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the value of producer milk received by such handler during such delivery period pursuant to § 991.70 is less than the total of amounts to be paid pursuant to §§ 991.83, 991.85, 991.86 and 991.87: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall com-

plete such payments as soon as the necessary funds are available.

§ 991.85 *Expense of administration.* As his prorata share of the expense incurred pursuant to § 991.22 (d) each handler shall pay the market administrator on or before the 15th day after the end of each delivery period, 4 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe, with respect to producer milk (including such handler's own production) and other source milk (excluding that subject to administrative expense under another Federal marketing agreement or order issued pursuant to the act) received during the delivery period.

§ 991.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler for each delivery period shall deduct 5¢ per hundredweight or such lesser amount as may be prescribed by the Secretary from the payments made to each producer pursuant to § 991.80, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights, samples and tests of producer milk received by handlers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section but for whom such cooperative association does not receive payment for milk, each handler shall make in lieu of the deduction specified in paragraph (a) of this section such deductions from the payment to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 13th day after the end of such delivery period pay every such deduction to the cooperative association rendering such services.

§ 991.87 *Adjustments of accounts.* (a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) An unpaid obligation of a handler shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 1st day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk in the Rockford-Freeport, Illinois, Marketing Area, and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as

defined in the order, as amended, regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area) who, during the month of April 1951 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

Jesse L. Cook is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

[F. R. Doc. 51-7246; Filed, June 25, 1951; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 51-30]

APPROVAL OF EQUIPMENT AND CORRECTION OF PRIOR DOCUMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority, and the following correction to FEDERAL REGISTER Document dated March 21, 1951, 16 F. R. 2580, shall be made:

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Cushions are for use on motorboats of classes A, 1, or 2, not carrying passengers for hire.

Approval No. 160.007/104/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Noble Products Co., Box 327, Caldwell, Ohio.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4-1, 160.007)

BUOYS, LIFE, RING, CORK OR Balsa WOOD

Approval No. 160.009/36/0, 30-inch cork ring life buoy, dwg. No. 5-1-51, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.4-1, 33.7-1, 59.56, 60.49, 76.53, 113.46, 160.009)

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/3/1, Davis Type BLS fresh air hose mask assembly with velocity blower, Davis Unit Nos. 4066, 4067, 4087, 4088, 4090, 4091, 4092, or 4093 with a maximum length of hose not exceeding 150 feet, Bureau of Mines Approval No. BM-1906 when assembled with BM-1902 face piece and BM-1902 or 1902A harness and hose, manufactured by Davis Emergency Equipment

Co., Inc., 45 Halleck Street, Newark 4, N. J. (Supersedes Approval No. 160.011/3/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.011/9/1, Davis Type BLS fresh air hose mask assembly with positive pressure blower, Davis Unit Nos. 4402, 4403, 4408, or 4409 with a maximum length of hose not exceeding 150 feet, Bureau of Mines Approval No. BM-1904 when assembled with BM-1902 face piece and BM-1902 or 1902A harness and hose, manufactured by Davis Emergency Equipment Co., Inc., 45 Halleck Street, Newark 4, N. J. (Supersedes Approval No. 160.011/9/0 published in the FEDERAL REGISTER dated July 31, 1947.)

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 50 U. S. C. 1275; 46 CFR 35.4-5, 61.16, 77.18, 95.17, 114.18, 160.11)

LIFE RAFTS

Approval No. 160.018/10/0, Type B life raft, for other than ocean and coastwise service, 12.25' x 7.5' x 3.17', 15 person capacity, identified by construction dwg. No. 3331, dated April 20, 1951, manufactured by the Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 246, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 475, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.018)

CONTAINERS, EMERGENCY PROVISIONS AND WATER

Approval No. 160.026/20/0, Container for emergency provisions, dwg. No. 202-P, dated March 26, 1951, and Specification 202-S-1, dated April 6, 1951, manufactured by Globe Equipment Corp., 30-32 Gold Street, Brooklyn 1, N. Y.

(R. S. 4405, 4417a, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 489, 1333, 50 U. S. C. 1275; 46 CFR 33.3-1, 59.11)

LIFEBOATS

Approval No. 160.035/121/1, 22.0' x 6.67' x 3.0' steel, oar-propelled lifeboat, 25-person capacity, identified by dwg. No. 22-6/8-25-2, dated August 16, 1950, manufactured by Frank Morrison and Son Co., 1330 West Eleventh Street, Cleveland, Ohio. (Supersedes Approval No. 160.035/121/0, published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.035/197/1, 18.0' x 5.75' x 2.42' steel, oar-propelled lifeboat, 15-person capacity, identified by construction and arrangement dwg. No. 18-2, dated October 14, 1947, and revised April 10, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/197/0, published in the FEDERAL REGISTER dated February 12, 1948.)

Approval No. 160.035/216/1, 14.0' x 5.0' x 2.17' steel, oar-propelled lifeboat, 9-person capacity, identified by construction and arrangement dwg. No. 14-1, dated January 26, 1948, and revised April 16, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/216/0, published in the FEDERAL REGISTER dated May 15, 1948.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. 1275; 46 CFR 37.1-1, 59.13, 76.16, 94.15, 113.10, 160.035)

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/41/0, Sound powered telephone station signal relay control, for operation with hand generator, manual release, splashproof, dwg. No. 19, Alt. 1, dated June 1950, manufactured by Hose-McCann Telephone Co., Inc., Twenty-fifth Street and Third Avenue, Brooklyn 32, N. Y.

(R. S. 4405, 4417a, 4418, 4426, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 489, 1333, 50 U. S. C. 1275; 46 CFR 32.9-4, 63.11, 79.12, 97.14, 116.10)

VALVES, SAFETY

Approval No. 162.001/64/1, Type 1515B, Consolidated carbon steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure rating, 750° F. maximum temperature, dwg. No. 3VH953, issued March 30, 1951; approved for sizes 1½", 2", 2½" and 3", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn. (Supersedes Approval No. 162.001/64/0, published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 162.001/65/1, Type 1515C, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 300 p. s. i. and 600 p. s. i. primary service pressure rating, 900° F. maximum temperature, dwg. No. 3VH953 issued

Approval No. 162.001/176/0, Type 1557RD, Consolidated alloy steel body pop safety valve, exposed spring, fitted with spring cover, 1,500 p. s. i. primary service pressure rating, 1,000° F. maximum temperature, dwg. No. 3VF953 issued April

13, 1951; approved for sizes 2", 2½", and 3", manufactured by Manning, Maxwell & Moore, Inc., Bridgeport 2, Conn.

(R. S. 4405, 4417a, 4418, 4426, 5533, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. 1275, 46 CFR 52.65)

GAS CONSUMING APPLIANCES, LIQUEFIED PETROLEUM

Approval No. 162.020/46/0, Magic Chef Model HD-17 Roast Oven, approved by the American Gas Association, Inc., under Certificate No. 11-22-28.901, dated November 14, 1950, for liquefied petroleum gas service, manufactured by the American Stove Co., 4931 Daggett Avenue, St. Louis 10, Mo.

Approval No. 162.020/47/0, Magic Chef Model HD-18 Deep Fat Fryer, approved by the American Gas Association, Inc., under Certificate No. 13-9-1.011, Supplement serial number 3, dated June 7, 1949, for liquefied petroleum gas service, manufactured by the American Stove Co., 4931 Daggett Avenue, St. Louis 10, Mo.

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 1028 and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 1333, 50 U. S. C. 1275; 46 CFR 32.9-11, 61.25, 95.24, 114.25)

BULKHEAD PANELS

Approval No. 164.008/30/0, Jackson Snap-In Panel, hollow steel, insulation board lined Bulkhead Panel identical to that described in A. L. Jackson dwg. No. 6, dated April 9, 1951, approved as meeting Class B-15 requirements in a 1½ inch thickness when lined each side with ¾ inch asbestos millboard, manufactured by A. L. Jackson, 1146 Ogden Avenue, New York 52, N. Y.

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 389, 375, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR 164.008)

CORRECTION TO PRIOR DOCUMENT

The approval of the National Aer-O-Foam Marine Foam Fire Extinguishing System, published in the FEDERAL REGISTER March 21, 1951, 16 F. R. 2580, superseded the approval of the same extinguishing system published in the FEDERAL REGISTER Sept. 5, 1946, 11 F. R. 9785.

Dated: June 20, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 51-7257; Filed, June 25, 1951;
8:56 a. m.]

DEPARTMENT OF DEFENSE

Department of the Army

[Gen. Order 4]

OPERATION OF THE RAILROADS

JUNE 13, 1951.

I. By Executive Order No. 10155, issued August 25, 1950, the President directed the Department of the Army to assume possession, control and operation of the transportation systems owned

by the principal railroad companies of the United States. This order was issued to avert strike action on the part of the Order of Railway Conductors and the Brotherhood of Railroad Trainmen. The order was made effective on August 27, 1950, after the Department of the Army had obtained agreement of the two brotherhoods that all operating personnel then concerned in the dispute would continue to work on behalf of the Government during the period of federal control. The Department of the Army, with the full understanding and agreement of all parties to the dispute between carriers and the brotherhoods, left the settlement of that dispute to them. Negotiations continued until on May 25, 1951, agreement was reached between carriers and the Brotherhood of Railroad Trainmen. The dispute between the roads and the Order of Railway Conductors has not been resolved.

II. It is hereby directed that there shall be placed in effect all of the adjustments in wages and working conditions set forth in the agreements reached on May 25, 1951, between the Brotherhood of Railroad Trainmen and the owning carriers represented by powers of attorney granted to the Eastern, Western and Southeastern Carriers Conference Committees, as to those employees on the rail transportation systems seized pursuant to Executive Order No. 10155, dated August 25, 1950, who are covered by contracts held by the Brotherhood of Railroad Trainmen and who have had no adjustment in wages (other than pursuant to General Order No. 2, dated February 8, 1951) during the progress of the disputes leading to the seizure.

III. It is directed that the rail transportation systems under Army control pursuant to the provisions of Executive Order No. 10155 publish forthwith this general order to their personnel, both labor and management, who are engaged in the operation of said systems and to post this order at conspicuous places.

IV. This order is effective 4:00 p. m., e. d. s. t., June 13, 1951.

By order of the Secretary of the Army.

[SEAL] KARL R. BENDETSEN,
Assistant Secretary of the Army.

[F. R. Doc. 51-7223; Filed, June 25, 1951;
8:46 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[NPA Delegation 12 as amended
June 26, 1951]

OFFICE OF INTERNATIONAL TRADE

DELEGATION OF AUTHORITY TO MAKE ALLOTMENTS AND ASSIGN RATINGS

1. Pursuant to the authority of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Orders 10161 (15 F. R. 6105) and 10200 (16 F. R. 61), and Defense Production Administration Delegation 1 (16 F. R. 738), there is hereby delegated to the Director of the Office of International Trade the authority to make allotments of controlled materials for export and to assign to exporters the right to apply DO

ratings and allotment numbers and symbols for procurement of materials which such exporters are licensed to export.

2. The authority herein delegated shall be exercised within such export program determinations or other quantitative restrictions as may be established, and in accordance with such instructions, record-keeping and reporting requirements, and policy directives as may be issued from time to time by the National Production Authority. Such delegated authority shall also be exercised in conformity with the regulations and orders of the National Production Authority and in conformity with operating procedures set forth in current export bulletins and export regulations issued by the Office of International Trade with the approval of the National Production Authority.

3. Allotments shall be made, and the right to apply the DO rating and allotment numbers and symbols herein authorized shall be assigned, by endorsement on the export license or other appropriate document of a certification, duly authenticated by the Office of International Trade, identifying the allotment made and the applicable allotment and DO numbers and symbols to be used by the exporter.

4. The Director of the Office of International Trade may redelegate the authority herein delegated, and may authorize its successive redelegation, to any other officials of the Office of International Trade.

This amended delegation shall take effect on June 26, 1951.

NATIONAL PRODUCTION
AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-7382; Filed, June 25, 1951;
11:42 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43,
Special Order 79]

JOHN B. STETSON CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, John B. Stetson Co., Philadelphia Division, Philadelphia 22, Pa., has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of cell-

ing prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of men's hats and Army and uniform hats and cap covers manufactured by John B. Stetson Co., Philadelphia Division, Philadelphia 22, Pa., having the brand name(s) "Stetson" shall be the proposed retail ceiling prices listed by John B. Stetson Co., Philadelphia Division in its application dated March 22, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 22, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 23, 1951, John B. Stetson Co., Philadelphia Division must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price \$-----

* On and after August 22, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 22, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions

of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
\$----- per -----	{unit. dozen. etc.
Terms {net. percent EOM, etc.	\$-----

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report set-

ting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 23, 1951.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

JUNE 22, 1951.

[F. R. Doc. 51-7310; Filed, June 22, 1951;
12:18 p. m.]

[Ceiling Price Regulation 7, Section 43,
Special Order 80]

LINDER BROS., INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Linder Bros., Inc., 1043 Capouse Ave., Scranton, Pa. has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of misses' and women's fur trimmed and untrimmed coats manufactured by Linder Bros., Inc., having the brand name(s) "Shagmoor" shall be the proposed retail ceiling prices listed by Linder Bros., Inc., in its application dated May 12, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the FEDERAL REGISTER as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than August 22, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after July 23, 1951, Linder Bros., Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price \$-----

On and after August 22, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to August 22, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to

whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
\$..... per	{unit, dozen, etc.
Terms {net, percent EOM, etc.	\$.....

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6 months period following the effective date of this special order and within 45 days of the expiration of each successive 6 months period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6 months period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective June 23, 1951.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

JUNE 22, 1951.

[F. R. Doc. 51-7311; Filed, June 22, 1951;
12:18 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1704]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JUNE 20, 1951.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, address, Oklahoma City, Oklahoma, filed on June 11, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the acquisition, construction and operation of certain natural-gas pipeline and underground storage facilities hereinafter described.

Applicant proposes to acquire certain production properties in the depleted Colony Gas Field located in and about the town of Colony, in Anderson County, Kansas, approximately six miles south of Applicant's Welda compressor station, and certain production properties in the depleted McLouth Gas Field located in Leavenworth and Jefferson Counties, in Kansas, approximately nine miles northwest of Applicant's Tonganoxie compressor station. In addition to authorization to construct and operate the facilities necessary to develop and utilize said properties for underground storage of natural gas, applicant requests authorization to construct and operate approximately ten miles of 26-inch natural-gas pipe line between Applicant's Welda and Ottawa compressor stations to replace its existing ten miles of double 16-inch pipelines between said stations.

Applicant proposes to inject sufficient natural gas into the storage fields which it proposes to acquire and develop to restore the original rock pressure thereof, and estimates that with full utilization of said fields the ultimate delivery capacity will be approximately 60,000 Mcf per day of natural gas from each field. Applicant states that the replacement of its existing 16-inch pipelines with a single 26-inch line has a direct relationship with the proposed development of the Colony storage project and that such replacement will make available the 16-inch pipe for use as gathering lines which are urgently needed to connect new wells to Applicant's system.

The estimated total over-all capital cost of the proposed facilities is \$3,471,627. Applicant proposes to finance the cost of the proposed facilities through the issuance of \$12,000,000 of First Mortgage Pipeline Bonds, at par, 3¼ percent series, due in 1971. Sale of such securities will be made privately to five insurance companies who have purchased \$7,200,000 of this series of bonds, and have entered into a purchase agreement providing for taking up and paying for the balance periodically prior to and including April 1, 1952.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of July 1951. The ap-

plication is on file with the Commission for public inspection.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7225; Filed, June 25, 1951;
8:48 a. m.]

[Docket No. G-1711]

TEXAS EASTERN TRANSMISSION CORP. AND
NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

JUNE 20, 1951.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation, address, Shreveport, Louisiana, and New York State Natural Gas Corporation (New York State Natural), a New York corporation, address, Pittsburgh, Pennsylvania (hereinafter sometimes referred to as Applicants), filed on June 12, 1951, a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing, for a limited period, the emergency delivery and transportation of base storage gas for the Oakford Storage Pool, Westmoreland County, Pennsylvania, pending the completion by Texas Eastern of its lateral pipeline to said storage pool.

Applicants state that Texas Eastern now has natural gas available for injection into the Oakford Storage Pool during the storage months of April through October, 1951, but due to delay in receipt of materials, its lateral pipeline required for such deliveries into storage has not been completed. Applicants state that Texas Eastern is now delivering gas to New York State Natural under an existing service agreement at a point in Greene County, Pennsylvania, where New York State Natural's line 9 and Texas Eastern's pipelines intersect. On the basis of present estimates, New York State Natural will have available capacity in its line 9 during the summer of 1951 to transport certain quantities of base storage gas delivered by Texas Eastern for injection in said Storage Pool.

Applicants propose that quantities of natural gas up to 50,000 Mcf per day be delivered by Texas Eastern to New York State Natural in Greene County, Pennsylvania, and that said gas be pumped along with gas regularly received at New York State Natural's Preston Compressor Station and delivered ultimately into the Oakford Storage Pool. Applicants have agreed upon the terms of an agreement for the delivery of natural gas as hereinbefore described. The proposed arrangement represents an alternative method of delivery base storage gas to that heretofore authorized by the Commission in Docket No. G-1646 whereby base storage gas is being delivered by Texas Eastern at the Mullett Farm connection of The East Ohio Gas Company and delivered into storage in the Oakford Storage Pool through the combined facilities of The East Ohio Gas Company and New York State Natural. Applicants request the inclusion in any certifi-

cate authorizing the proposed arrangement of a condition limiting the term of the authorization until the 36 miles of 30-inch lateral pipeline from the facilities of Texas Eastern to the Oakford Storage Pool are completed, or until November 1, 1951, whichever occurs first.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of July 1951. The joint application is on file with the Commission for public inspection.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7226; Filed, June 25, 1951;
8:48 a. m.]

[Docket No. G-1712]

MONTANA POWER CO.

NOTICE OF APPLICATION

JUNE 21, 1951.

Take notice that on June 14, 1951, The Montana Power Company (Applicant), a New Jersey Corporation, having its principal office at Butte, Montana, filed an Application pursuant to section 3 of the Natural Gas Act seeking authorization to import natural gas from Alberta, Canada. Applicant states that the importation of such gas is necessary to provide continued service to Anaconda Copper Mining Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8, 1.10) on or before the 9th of July 1951. The application is on file with the Commission for public inspection.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7249; Filed, June 25, 1951;
8:54 a. m.]

[Docket No. G-1717]

MONTANA POWER CO.

NOTICE OF APPLICATION

JUNE 21, 1951.

Take notice that on June 18, 1951, The Montana Power Company (Applicant), a New Jersey Corporation, having its principal office at Butte, Montana, filed an application pursuant to Executive Order No. 8202 seeking a Presidential Permit to import natural gas from Alberta, Canada.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 9th day of July 1951. The application is on file with the Commission for public inspection.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-7248; Filed, June 25, 1951;
8:54 a. m.]

INTERSTATE COMMERCE
COMMISSION

[No. 30833]

CHICAGO, SOUTH SHORE AND SOUTH BEND
RAILROAD

ILLINOIS INTRASTATE FARES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 14th day of June A. D. 1951.

It appearing, that by petition filed April 3, 1951, the Chicago, South Shore and South Bend Railroad requests modification of the Commission's outstanding section—13 order of January 16, 1923, as subsequently modified by order in No. 11703, Intrastate Rates Within Illinois, and by other orders, to permit petitioner to increase its 54-trip and to establish 44-trip commutation ticket fares for interstate travel in Illinois to the same bases as approved by this Commission for application on interstate travel in Investigation and Suspension Docket No. 5779, Chicago, S. S. & S. B. R. Fares, 279 I. C. C. 663; and for good cause appearing:

It is ordered, That the said petition of the Chicago, South Shore and South Bend Railroad be, and it is hereby assigned for hearing on July 23, 1951, at 9:30 o'clock a. m., U. S. Standard Time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), at the Morrison Hotel, Chicago, Illinois, before Examiner Burton Fuller;

It is further ordered, That the evidence in chief on behalf of petitioner shall be submitted in written form as prepared statements by the respective witnesses, with accompanying exhibits, and be filed, one copy with the Interstate Commerce Commission, and three copies with the Illinois Commerce Commission, Springfield, Ill., on or before July 9, 1951;

And it is further ordered, That the State of Illinois be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Illinois Commerce Commission at Chicago, Ill.; that a copy of this order be served upon petitioner; and that notice hereof be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7250; Filed, June 25, 1951;
8:54 a. m.]

[No. 30834]

CHICAGO NORTH SHORE AND MILWAUKEE
RAILWAY CO.

INCREASED PASSENGER FARES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 14th day of June A. D. 1951.

It appearing, that by petition filed April 16, 1951, the Chicago North Shore and Milwaukee Railway Company requests appropriate authority to increase its basic one-way interstate passenger fares in Wisconsin and Illinois to three cents a mile for distances exceeding the minimum fare distance up to a maximum distance of twenty-two (22) miles, the rate a mile thereafter to be graduated downward until the present rate of fare of not to exceed 2.5 cents a mile is reached, with a round-trip fare of 90 percent of double the one-way fare; to file and publish such increased one-way and round-trip fares on not more than five days' notice in simple form of tariff publication; and for modification of the Commission's outstanding section-13 orders of June 14, 1921, in No. 11558, Intrastate Fares of Chicago North Shore & Milwaukee Railroad Within Illinois, 62 I. C. C. 188, and of December 12, 1927, in No. 19920, Intrastate Fares of C. N. S. & M. R. R. Co., 136 I. C. C. 165, as subsequently modified, to permit petitioner to make like increases in its fares for intrastate travel within the States of Wisconsin and Illinois; and for good cause appearing:

It is ordered, That the said petition of the Chicago North Shore and Milwaukee Railway Company be, and it is hereby, assigned for hearing July 25, 1951, at 9:30 o'clock a. m., U. S. Standard Time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), at the Morrison Hotel, Chicago, Illinois, before Examiner Burton Fuller:

It is further ordered, That the evidence in chief on behalf of petitioner shall be submitted in written form as prepared statements by the respective witnesses, with accompanying exhibits, and be filed, one copy with the Interstate Commerce Commission, and three copies with the Illinois Commerce Commission, Springfield, Ill., on or before July 11, 1951.

And it is further ordered, That a copy of this order be served upon the Governors and the rate regulatory authorities of the States of Wisconsin and Illinois; also upon petitioner, and that notice hereof be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7251; Filed, June 25, 1951;
8:55 a. m.]

[4th Sec. Application 26187]

TIN OR TERNE PLATE FROM SOUTHERN AND OFFICIAL TERRITORIES TO ARLINGTON, TEX.

APPLICATION FOR RELIEF

JUNE 21, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3912.

Commodities involved: Tin or terne plate, and tin mill black plate, carloads.

From: Specified points in southern and official territories.

To: Arlington, Tex.

Grounds for relief: Circuitous routes and competition with water carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3912, Supp. 57.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7256; Filed, June 25, 1951;
8:56 a. m.]

[4th Sec. Application 26188]

FERTILIZER FROM ARMOUR, FLA., TO ALBANY, GA.

APPLICATION FOR RELIEF

JUNE 21, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Seaboard Air Line Railroad Company.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Armour, Fla.

To: Albany, Ga.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hear-

ing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7255; Filed, June 25, 1951;
8:55 a. m.]

[4th Sec. Application 26189]

FERTILIZER FROM KENTUCKY, OHIO, VIRGINIA, AND WEST VIRGINIA TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JUNE 21, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 975.

Commodities involved: Fertilizer and fertilizer materials, carloads.

Between: Points in Kentucky, Ohio, Virginia, and West Virginia, on the one hand, and points in southern territory, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 975, Supp. 172.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7254; Filed, June 25, 1951;
8:55 a. m.]

[4th Sec. Application 26190]

MOULDING SAND FROM BLUE POND, ALA., TO TYLER, TEX.

APPLICATION FOR RELIEF

JUNE 21, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3736. Commodities involved: Moulding sand, carloads.

From: Blue Pond, Ala.

To: Tyler, Tex.

Grounds for relief: Circuitous routes. Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3736, Supp. 169.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-7253; Filed, June 25, 1951;
8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9900, 9936]

RADIO CALIFORNIA AND CAPITOL RADIO ENTERPRISES

ORDER CONTINUING HEARING

In re applications of Knox LaRue and Arnold C. Werner, d/b as Radio California, Sacramento, California, Docket No. 9900, File No. BP-7736; Irving James Schwartz, William Stephen George, John Matranga and Samuel A. Melincoc, d/b as Capitol Radio Enterprises, Sacramento, California, Docket No. 9936, File No. BP-7998; for construction permits.

The Commission having under consideration a petition filed June 4, 1951, by Knox LaRue and Arnold C. Werner, d/b as Radio California: (1) Requesting a continuance for not less than thirty days of the consolidated proceeding upon the above-entitled applications presently scheduled for July 9, 1951; and (2) opposing petition of Capitol Radio Enterprises, filed May 22, 1951, to change place of hearing and adjust hearing date; and

It appearing, that Arnold C. Werner, partner and 50 percent owner of applicant Radio California, who is now on foreign duty in the United States Navy, believes it will be possible for him to obtain leave some time early in August in order to permit him to be present at the hearing on the above-entitled applications in Washington, D. C.; and

It further appearing, that no opposition to the grant of the instant petition has been filed and that the showing made

constitutes good and sufficient cause for the grant of the request for continuance; and

It further appearing, that the above-mentioned petition of Capitol Radio Enterprises requesting change in place and date of the hearing was filed on May 22, 1951, and that the time for filing opposition thereto expired prior to the filing of the instant petition; and that furthermore the aforementioned petition to change place and date of hearing was denied in a Memorandum Opinion and Order dated May 31, 1951;

It is ordered, This 19th day of June 1951, that the petition, insofar as it requests leave to continue the hearing for a period of not less than thirty days, be, and it is hereby, granted; the hearing on the above-entitled applications now scheduled for July 9, 1951, be, and it is hereby, continued to August 8, 1951; and the petition, insofar as it opposes petition of Capitol Radio Enterprises to change place of hearing and adjust hearing date is dismissed as moot.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7262; Filed, June 25, 1951;
8:57 a. m.]

[Docket No. 9916]

CENTERVILLE BROADCASTING CO. (KCOG) ORDER CONTINUING HEARING

In re application of Centerville Broadcasting Company (KCOG), Centerville, Iowa, for modification of license; Docket No. 9916, File No. BML-1439.

The Commission having under consideration a petition filed June 14, 1951, by Centerville Broadcasting Company (KCOG), Centerville, Iowa, requesting a continuance of the hearing presently scheduled for July 5, 1951, at Washington, D. C., in the proceeding upon the above-entitled application for modification of license; and

It appearing, that the other parties to this proceeding have consented to a grant of the petition and to a waiver of § 1.745 of the Commission's rules and regulations to permit the early consideration of this request;

It is ordered, This 15th day of June 1951, that the petition is granted; and that the hearing is continued to 10:00 a. m., Thursday, August 9, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7263; Filed, June 25, 1951;
8:57 a. m.]

[Docket No. 9992]

STONE BROADCASTING CORP. ORDER DESIGNATING APPLICATION FOR CON- SOLIDATED HEARING ON STATED ISSUES

In re application of Stone Broadcast-
ing Corporation, Emporia, Virginia, for

construction permit; Docket No. 9992, File No. BP-7948.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of June 1951;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on frequency 1400 kilocycles, with 250 watts power, unlimited time at Emporia, Virginia;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice particularly with reference to population residing within the 250 mv/m blanket contour;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at 10:00 a. m. on August 8, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Stations WLOW, Portsmouth, Virginia, WHLF, South Boston, Virginia, or any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the population residing within the 250 mv/m blanket contour.

It is further ordered, That Commonwealth Broadcasting Company and John L. Cole tr/as Halifax Broadcasting Company, licensees of Stations WLOW, Portsmouth, Virginia and WHLF, South Boston, Virginia, respectively, are made parties to the proceeding.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-7261; Filed, June 25, 1951;
8:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2631]

GAS SERVICE CO.

SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of June A. D. 1951.

The Gas Service Company ("Gas Company"), a subsidiary of Cities Service Company, a registered holding company, having filed a declaration, and amendments thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") regarding the issue and sale, pursuant to the competitive bidding requirements of Rule U-50 of \$5,400,000 principal amount of First Mortgage Bonds, due 1971; and

The Commission having, by order dated June 12, 1951, permitted said declaration to become effective, subject to the condition, among others, that the proposed sale of bonds shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed; and

Gas Company having, on June 20, 1951, filed a further amendment to said declaration in which it is stated that it has offered the bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder	Annual interest rate (percent)	Price to gas company ¹ (percent of principal)	Annual cost to gas company (percent)
Merrill Lynch, Pierce, Fenner, & Beane and White, Weld & Co., Inc.	3 3/4	101.656	3.632794
Halsey, Stuart & Co., Inc.	3 3/4	101.437	3.648154
Blyth & Co., Inc., and Kidder, Peabody & Co.	3 3/4	101.33	3.656676
The First Boston Corp. and Lehman Bros., and Stone & Webster Securities Corp.	3 3/4	101.30	3.657785
	3 3/4	100.6259	3.705415

¹ Exclusive of accrued interest from June 1, 1951.

The amendment further stating that Gas Company has accepted the bid of Merrill Lynch, Pierce, Fenner & Beane, and White, Weld & Co., for the bonds as set forth above and that the bonds will be offered for sale to the public at a price of 102.485 percent of principal amount thereof, resulting in an underwriters' spread of 0.829 percent; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said bonds, the redemption prices thereof, the interest rate thereon and the underwriters' spread:

It is ordered, That jurisdiction heretofore reserved in connection with the sale of said bonds be, and the same hereby is, released, and that said declaration, as

further amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F. R. Doc. 51-7231; Filed, June 25, 1951;
8:50 a. m.]

[File No. 70-2633]

INDIANA & MICHIGAN ELECTRIC CO.

ORDER AUTHORIZING PROPOSED BORROWING FROM CERTAIN BANKING INSTITUTIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of June A. D. 1951.

Indiana & Michigan Electric Company ("Indiana & Michigan"), an electric utility subsidiary company of American Gas and Electric Company; a registered holding company, having filed an application and an amendment thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 regarding the following transactions:

Indiana & Michigan proposes to borrow not to exceed in the aggregate \$7,000,000, from time to time prior to December 31, 1952, from certain banking institutions and to issue promissory notes in evidence thereof. The proposed borrowings would be made in the indicated amounts from the following banks:

Name of bank	Address	Amount
Irving Trust Co.	New York, N. Y.	\$2,250,000
Guaranty Trust Co. of New York.	do	2,250,000
Bankers Trust Co.	do	1,250,000
Mellon National Bank & Trust Co.	Pittsburgh, Pa.	1,250,000

The notes to be issued by Indiana & Michigan evidencing such borrowings will be dated as of the date the money is borrowed in each case and will mature 9 months or less after the date of issuance. It is expected that the initial borrowing will be in the aggregate amount of \$2,000,000 and will be made on or before July 1, 1951. The notes evidencing such initial borrowing will bear interest from the date thereof at the then current prime credit rate which is presently 2 1/2 percent per annum. Subsequent borrowings will bear interest from the respective dates thereof at the then current prime credit rate. In that connection, Indiana & Michigan states that at least 10 days prior to each proposed subsequent borrowing, it will file an amendment to its application setting forth the amount of the proposed borrowing and the rate of interest to be charged thereon. Applicant requests that each such amendment become effective 10 days after the filing thereof without further order of the Commission, provided no action is taken by the Commission with respect thereto within such 10 day period.

The Company requests that the Commission's order granting the application be effective upon issuance.

Said application having been filed on May 16, 1951, and an amendment thereto having been filed on June 13, 1951, and notice of such filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act and the Commission not having received a request for a hearing with respect to said application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The proposed transaction having been expressly authorized by the Public Service Commission of Indiana, which is the regulatory Commission of the State in which the Company is organized and doing business; and

The Commission finding that said application, as amended, satisfies the requirements of the applicable provisions of the act and the rules and regulations thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application, as amended, be granted, effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said application, as amended, be and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F. R. Doc. 51-7232; Filed, June 25, 1951;
8:50 a. m.]

[File No. 70-2635]

MISSOURI POWER & LIGHT CO.

SUPPLEMENTAL ORDER APPROVING SALE OF PRINCIPAL AMOUNT FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING AND RELEASING JURISDICTION OVER ALL FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of June 1951.

Missouri Power & Light Company ("Missouri Power"), a public utility subsidiary of Union Electric Company of Missouri and the North American Company, both registered holding companies, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and the applicable provisions of the general rules and regulations promulgated thereunder, regarding the issuance and sale at competitive bidding, pursuant to the provisions of Rule U-50, of \$4,000,000 principal amount of First Mortgage Bonds, —% Series due 1981 ("new bonds"); and

The Commission, by order dated June 7, 1951, having granted said application, as amended, subject to the conditions that the issuance and sale of the new bonds shall not be consummated until the results of competitive bidding have

been supplied by a further amendment and a further order shall have been entered in connection therewith, and (b) jurisdiction be reserved with respect to all fees and expenses incurred in connection with the proposed transactions, including the fee and expenses of counsel for the successful bidders; and

Missouri Power having filed, on June 19, 1951, a further amendment to its application, as amended, setting forth the action taken by it to comply with the requirements of Rule U-50, and stating that pursuant to the invitation for competitive bids, the following bids for the new bonds were received:

Bidder	Annual interest rate (percent)	Price to company ¹ (percent of principal)	Annual cost to company (percent)
White, Weld & Co., Inc.	3½	100.201	3.61397
Halsey, Stuart & Co., Inc.	3½	101.814	3.65

¹ Exclusive of accrued interest from June 1, 1951.

Said amendment having further set forth that Missouri Power has accepted the bid of White, Weld & Co., for the purchase of the new bonds, as set forth above, and that the new bonds will be offered for sale to the public at a price of 101.125 percent of the principal amount thereof, plus accrued interest from June 1, 1951, resulting in an underwriter's spread of 0.924 percent of the principal amount of the new bonds or an aggregate amount of \$36,960; and

The Missouri Public Service Commission having entered an order authorizing the sale of the new bonds at the proposed price and terms; and

The record having been completed with respect to the fees and expenses to be incurred in connection with the proposed transactions, and it appearing that such fees and expenses are estimated in the aggregate amount of \$53,114.53 as follows:

S. E. C. registration fee	\$412.00
Missouri Public Service Commission fee	1,300.00
U. S. issue tax	4,400.00
Mortgage recording fee	1,600.00
Printing and engraving	27,265.00
Trustees' charges for authentication of bonds	2,500.00
Company counsel:	
Doran, Kline, Cosgrave, Jeffrey & Russell:	
Fee	5,000.00
Expenses	587.53
Keyes & Bushman—fee	400.00
Lester G. Seacat—fee	400.00
Price Waterhouse & Co., accountants, fee (including expenses)	4,750.00
Miscellaneous	4,500.00
Total	53,114.53

It also appearing that the fee and expenses of Beekman & Bogue, independent counsel for the purchasers of the new bonds, which are to be paid by said purchasers, are estimated at \$5,000 and \$537.25, respectively; and

The Commission having examined the record in the light of the said amendment, and observing no basis for imposing terms and conditions with respect to the price to be received by Missouri

Power for the new bonds, the interest rate, the underwriters spread, or otherwise; and it appearing to the Commission that the above fees and expenses are not unreasonable if they do not exceed the amounts estimated, and it appearing appropriate to the Commission that jurisdiction heretofore reserved over the results of competitive bidding and over all fees and expenses be released:

It is ordered, That jurisdiction heretofore reserved to consider the results of competitive bidding with respect to the sale of the new bonds and over-all fees and expenses to be paid in connection with the proposed transactions, including the fee and expenses of counsel for the successful bidders be, and hereby is, released and that said application, as amended, is granted forthwith, subject, however, to the terms and conditions prescribed by Rule 24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 51-7229; Filed, June 25, 1951; 8:50 a. m.]

[File No. 70-2636]

NIAGARA MOHAWK POWER CORP.

ORDER GRANTING APPLICATION WITH RESPECT TO PROPOSED ACQUISITION OF UTILITY ASSETS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of June A. D. 1951.

Niagara Mohawk Power Corporation ("Niagara Mohawk"), a subsidiary of the United Corporation, a registered holding company, having filed an application pursuant to the provisions of section 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the acquisition by it of the hydro electric power plant, together with the lands, certain water rights and electric generating and other equipment in connection therewith of Northern New York Power Corporation, a non-affiliate, for the sum of \$625,000; and the Public Service Commission of the State of New York having, by order dated June 12, 1951, approved the transfer of such property by Northern New York Power Corporation to Niagara Mohawk; and

Said application having been filed on May 21, 1951, and the last amendment thereto having been filed on June 18, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application be granted;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said application be, and hereby is, granted forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 51-7230; Filed, June 25, 1951; 8:50 a. m.]

[File No. 70-2652]

AMERICAN & FOREIGN POWER CO., INC.

NOTICE OF PROPOSED EXTENSION OF LOAN AGREEMENT AND BORROWING FROM CERTAIN BANKING INSTITUTIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of June A. D. 1951.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American & Foreign Power Company Inc. ("Foreign Power"), a registered holding company, designating sections 6 (a) and 7 of the act as being applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

On December 30, 1949, the Commission issued its findings, opinions, and order which, among other things, permitted Foreign Power to obtain a 5-year 3½ percent bank loan in the amount of \$15,000,000, pursuant to a Loan Agreement dated December 16, 1949, from Bankers Trust Company, Mellon National Bank and Trust Company, and the National City Bank of New York ("Banks"). Pursuant to that Loan Agreement, Foreign Power borrowed on December 30, 1949, the principal amount of \$10,000,000 retaining the right to borrow the remaining \$5,000,000 at any time on or before July 1, 1951.

Foreign Power now proposes (a) the extension from July 1, 1951, to July 1, 1952, pursuant to a Supplemental Loan Agreement dated June 11, 1951, of the period during which it shall have the right to borrow the remaining \$5,000,000 of the original \$15,000,000 credit available to the company under the Loan Agreement dated December 16, 1949, with the Banks and (b) the borrowing by Foreign Power, if such borrowing is decided necessary, of all or any part of said remaining \$5,000,000 at any time on or before July 1, 1952. Such borrowing, if made, would be evidenced by promissory notes made payable to the Banks. The Supplemental Loan Agreement provides, among other things, that the interest rate, if such borrowing is made, would be 3½ percent per annum and that a commitment fee of ½ of 1 percent per annum would continue to be payable by the Company on the daily average unused portion of the commitment of each of the three Banks until

the expiration or cancellation of the commitment.

The declarant represents that, if the proposed borrowing is made, the proceeds would be used to aid its subsidiaries in financing extensive construction programs to be carried out over the next few years. It is further represented that the actual borrowing is contingent upon whether Foreign Power is successful in obtaining a line of credit from the Export-Import Bank of Washington for use in aiding the construction program of the Company's subsidiaries.

Notice is further given that any interested person may, not later than June 29, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reason for such request, the nature of his interest, and the issues of fact or law raised by said declaration, as filed or as subsequently amended, which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 29, 1951, said declaration, as filed or as amended, may be declared to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 51-7233; Filed, June 25, 1951;
8:51 a. m.]

[File No. 812-730]

INDEPENDENCE FUND DECLARATIONS OF TRUST ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of June A. D. 1951.

In the matter of Independence Fund Declarations of Trust, Independence Fund Declarations of Trust and Agreement, National Securities Series and National Securities & Research Corporation; File No. 812-730.

Notice is hereby given that National Securities & Research Corporation (herein called "National"), a corporation organized under the laws of the State of New York, the sponsor of Independence Fund Declarations of Trust (D. T.) and Independence Fund Declarations of Trust and Agreement (D. T. A.), both registered open-end management investment companies, and National Securities Series, "Balanced Series", a registered open-end diversified registered management investment company, has filed an application under section 11 (a) of the Investment Company Act of 1940 for an order granting ap-

proval of an offer of exchange of shares of National Securities Series, "Balanced" Series, for shares of D. T. and D. T. A.

The application discloses the following:

D. T.'s are agreements executed by the Founder or Investor, Empire Trust Company, as Trustee, and National Securities & Research Corporation. Each Founder, upon signing his agreement, specified whether he desired an Income Type, a Capital Type or a Distributive Type of investment. In the Capital Type all distributions are reinvested by the Trustee as Agent of the Founder. In the Income Type, distributions of profits are similarly reinvested, distribution of income being paid to the Founder. In the Distributive Type, distributions are made to the Founder quarterly at the rate of 1½ percent of the face amount of the Declaration of Trust. Such distributions are paid out of income, then from realized profits, if any, and if necessary, from principal. If income and profits are more than adequate to cover such a distribution, any excess is reinvested.

D. T. A.'s are similar to D. T.'s except that the latter are purchased by lump sum payments while the former are purchased by an initial payment and 118 to 119 additional payments, and except that income and realized profits are distributed quarterly but at direction of the Founder are generally reinvested although they may be received in cash.

D. T.'s and D. T. A.'s were first sponsored by National Securities & Research Corporation in 1935. They have not been offered since December 1942.

On April 5, 1951, there were 464 Founders of D. T.'s, of whom 175 held a Capital Type, 116 a Distributive Type and 173 an Income Type.

On April 5, 1951, there were 444 Founders of D. T. A.'s, 267 of whom had completed their payments. Payments have not been completed in the case of 177 Founders, who, to complete their payments, would be permitted to make payments of \$119,765 (68 accounts with insurance permitting payments of \$28,100 and 109 accounts without insurance permitting payments of \$91,665).

The Founders of D. T.'s have made payments of \$1,056,240 in the aggregate. The liquidating value of such investments, plus the reinvestment of distributions from time to time, on April 5, 1951, was \$1,158,617.36 (exclusive of \$61,583.60 of partial withdrawals permitted under the Agreements). Such payments and liquidating values, on said date, were allocated between the Capital, Distributive and Income Types as follows:

	Number of accounts	Initial payments	Liquidating value	Partial withdrawals
Capital.....	175	\$326,740	\$525,951.33	\$28,857.71
Distributive.....	116	308,500	188,560.12	16,924.19
Income.....	173	421,000	444,105.91	15,801.70
Total.....		1,056,240	1,158,617.36	61,583.60

The Founders of D. T. A.'s have made The liquidating value of their investment payments of \$832,735 in the aggregate. On April 5, 1951, was \$995,706.51 (exclu-

sive of \$99,554.46 of partial withdrawals permitted under the Agreements).

The Founder of the D. T.'s paid Applicant a creation fee or load of 7½ percent on the first \$1,000, 5 percent on the next \$2,000, 4 percent on the next \$3,000, 3 percent on the next \$6,000, and on all over \$12,000, 2 percent of amount paid, and a management fee of ⅓ of 1 percent quarterly based upon the current value of the Trust, deductible from distributions. This is equivalent to ¼ of 1 percent annually.

The Founders of D. T. A.'s paid Applicant a creation fee or load dependent upon the size of the account established and pays an investment management fee in the amount of ½ of 1 percent of the face amount of the account, deductible from the principal of the Trust.

In addition to the foregoing charges in connection with each of the Trusts, there is also a fee payable to the Trustee.

National proposes to offer to the holders of D. T.'s and D. T. A.'s such number of shares of National Securities Series, "Balanced" Series, at net asset value, as can be purchased from the proceeds of liquidation of D. T.'s and D. T. A.'s. No sales load will be charged to the holders of D. T.'s or D. T. A.'s in connection with any purchases of "Balanced" Series. The liquidation value is the net asset value after deducting brokerage and is not the net asset value in effect for the purpose of determining the offering price, in which case brokerage would be added. The application states that the offer may be withdrawn at any time upon 90 days' notice of withdrawal.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may see fit to impose, may be issued by the Commission at any time on or after July 9, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than July 3, 1951, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 51-7227; Filed, June 25, 1951;
8:49 a. m.]

[File No. 70-2649]

NEW ENGLAND GAS AND ELECTRIC ASSN.
ET AL.

NOTICE OF PROPOSED ACQUISITION BY REGISTERED HOLDING COMPANY OF ADDITIONAL COMMON STOCK OF SUBSIDIARIES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of June A. D. 1951.

In the matter of New England Gas and Electric Association, Cambridge Steam Corporation, Cape & Vineyard Electric Company, Dedham and Hyde Park Gas Company, Plymouth County Electric Company, Worcester Gas Light Company; File No. 70-2649.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by New England Gas and Electric Association ("Negea"), a registered holding company, and five of its subsidiaries, Cambridge Steam Corporation ("Cambridge Steam"), Cape & Vineyard Electric Company ("Cape & Vineyard"), Dedham & Hyde Park Gas Company ("Dedham"), Plymouth County Electric Company ("Plymouth"), Worcester Gas Light Company ("Worcester"). The applicants-declarants have designated sections 6 (b), 9 and 12 (f) of the act and Rule U-50 (a) (1) and Rule U-50 (a) (4) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than July 6, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter, said application-declaration as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Negea proposes to acquire and the subsidiaries propose to issue and sell to Negea additional shares of their respective common capital stocks as follows: 1,500 shares of \$100 par value capital stock of Cambridge Steam for \$150,000; 6,000 shares of \$25 par value capital stock of Cape & Vineyard for \$300,000; 6,000 shares of \$25 par value capital stock of Dedham for \$150,000; 3,000 shares of \$25 par value capital stock of Plymouth for \$105,000; 30,000 shares of \$25 par value capital stock of Worcester for \$750,000.

The filing states that the proceeds from the sales by Cape & Vineyard, Dedham, Plymouth and Worcester are to be used to partially reimburse their respective Plant Replacement Fund Assets accounts for expenditures made therefrom to finance additions to plant and property, and that the proceeds from the sale by Cambridge Steam are to be used to partially reimburse its treasury for expenditures made therefrom to finance additions to plant and property.

The filing also states that the transactions proposed by Cape & Vineyard, Dedham, Plymouth and Worcester have been approved by the Massachusetts Department of Public Utilities and that the transactions proposed by Cambridge Steam are not subject to the jurisdiction of any state regulatory body.

The applicants-declarants request that the Commission's order be issued as soon as possible and that it become effective forthwith upon issuance.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F. R. Doc. 51-7228; Filed, June 25, 1951;
8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9587, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17951]

GERMAN-LANGUAGE MOTION PICTURES

In re: Rights in German-language motion pictures distributed in the United States.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the producers of the motion pictures listed in Exhibit A attached hereto and made a part hereof, who, if individuals, there is reasonable cause to believe are residents of Germany and who, if partnerships, associations, corporations or other business organizations, there is reasonable cause to believe are organized under the laws of, or have or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following:

(1) The motion pictures listed in Exhibit A attached hereto and made a part hereof, including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all right to arrange, adapt,

revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures.

(2) The screen plays, scenarios, and shooting scripts upon which said motion pictures are based, including, but not limited to, all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios, and shooting scripts,

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above mentioned screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such film by any means in the United States.

(b) All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of all persons (including individuals, partnerships, associations, corporations or other business organizations), who are citizens and residents of, or which are organized under the laws of or have their principal places of business in, Germany and are nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion pictures listed in said Exhibit A,

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion pictures listed in said Exhibit A,

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 2 (a), 2 (b) (1) and 2 (b) (2) of this vesting order.

(c) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 2 (a) and 2 (b) of this vesting order, and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 2 (a), 2 (b) and 2 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 1 and 2 (b) hereof, the aforesaid nationals of a designated enemy country (Germany) and is property of, or is property payable or

held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests therein held by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A—TITLES OF FEATURE MOTION PICTURES

Alpine Passion.
Das alte Lied (1938 release).
Aus Liebe zum Vaterland.
Because I love you.
Die blonde Nachtigall.
Die Blumenfrau von Lindenau.
Das Cabinet des Dr. Larifari.
Cavalry, Attention.
College.
College Girl.
Comrades of 1914.
Dangerous Crossing.
Dock on the Havel.
Drunter und drüber (1932 release).
Echo of a Dream.
Eleven who were loyal.
Eva and the Grasshopper.
Der falsche Feldmarschall.
Fortune from Heaven.
Eine Frau so goldig wie Du.
Die galavorstellung.
Gefahren der Liebe.
General Confusion.
Der grosse Tenor.
Der Hampelmann (1931 release).
Hearts in Love.
Heimatsklänge.
Herthas Erwachen.
Herzblut.
Higher Learning.
His Life for his Country.
Jede Frau hat etwas (German version only).
Kaiserlicheben.
Königin der Liebe.
Liebe auf Befehl.
Liebe über alles.
Little Bit of German Homeland.
Little Damsel.
Love in Stunt Flying.
Luise, Königin von Preussen.
Manon Lescaut (1926 release).
Melo.
Melodie der Liebe.
Menschen, die vorüberziehen.

Mill of the Gods.
Minor Love and the real Thing.
Moritz macht sein Glück.
My Life is at Stake.
Nacht-Bummel.
Das Nachtigall Mädel.
The poor Plutocrats.
Eines Prinzen junge Liebe.
Rendezvous.
Ronny.
Royal Box.
Sajenko the Soviet.
Die Schlacht von Bademünde.
Der schlichterne Felix.
Sixth Form Girl.
Ski Chase.
So ein Mädel vergisst man nicht.
Der Sohn der weissen Berge.
Spiel ums Glück.
Stimme der Blutes.
Der Storch hat uns getraut.
Stork Club.
Story of Peter the Cat.
Strangers in Sudetenland.
Streets of Algiers.
Student sein.
Der Tanz geht weiter.
Tausend für eine Nacht.
Tempest.
Der Teufelsbruder.
Theaterbesuch.
Theaternächte von Berlin.
Thief.
Thirteen Men and a Girl.
Tiger Murder Case.
Trial of Donald Westof.
Tropennächte.
Der Tyrann.
Um Freiheit und Liebe.
Versuchen Sie meine Schwester.
Der wackere Schustermeister.
Walzerkönig.
(German version only).
Wenn die Soldaten.
When Duty calls.
Wie man Männer fesselt.
Wie sag ich's meinem Mann.
The World's in Love.
Zlata Katerina.
Zwei Herzen und ein Schlag.

[F. R. Doc. 51-7265; Filed, June 25, 1951;
8:58 a. m.]

[Vesting Order 17952]

HOFFMANN PHOTOGRAPHIC COLLECTION

In re: Rights in Photographic Collection designated as "Hoffmann Photograph Collection, 1920-1944."

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Presse-Illustrationen-Heinrich Hoffmann, the last known address of which is Berlin, Germany, is an organization organized under the laws of Germany, which has or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That Heinrich Hoffmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature under the statutory and common law of the United States and of the several states, terri-

tories and possessions thereof, in, to and under the following:

(i) Every right, copyright, claim of copyright and right to copyright in the works embodied in the photographs and photograph negatives included in the photographic collection identified in Exhibit A attached hereto and made a part hereof, including, but not limited to the right to publish, print, reprint, copy and vend such works,

(ii) All rights of renewal, reversion and reversioning, in the foregoing,

(b) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the German Government, the persons referred to in subparagraphs 1 and 2 hereof, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order, who are citizens and residents of, or which are organized under the laws of or have their principal places of business in, Germany and are nationals of such designated enemy country, in, to and under the following:

(i) All photographs, photograph negatives and albums included in the photographic collection identified in said Exhibit A and the lists appertaining thereto

(ii) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 3(a) and 3(b) (i) of this Vesting Order

(c) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 3(a) and 3(b) of this Vesting Order, and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 3 (a), 3 (b) and 3 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Germany) and/or nationals thereof, referred to in subparagraphs 1, 2 and 3 (b) hereof, and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interest therein held by the aforesaid designated enemy country (Germany) and/or nationals thereof;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraphs 1 and 2

hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.
EXHIBIT A

That certain photographic collection in the custody of the Office of the Adjutant General, Department of the Army, Washington, D. C., which is designated by that Office as the "Hoffmann Photograph Collection, 1920-1944" and which consists of (a) about 115,000 glass negatives, (b) about 1,800 feet of other negatives, and (c) 132 albums containing about 7,120 Leica film strips of positive pictures.

[F. R. Doc. 51-7266; Filed, June 25, 1951; 8:58 a. m.]

[Vesting Order 17965]

ACCOUNTS OWNED BY GERMANY

In re: Accounts owned by Germany. F-28-2124-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That State of Bremen, also known as Free Hanseatic City of Bremen, is a political subdivision of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a demand deposit account numbered C-1544, entitled "State of Bremen (Free Hanseatic City of Bremen) Ten-Year 7 Percent External Gold Bonds due September 1, 1935", maintained at the office of the aforesaid Guaranty Trust Company of New York, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a coupon deposit account, entitled "State of Bremen (Free

Hanseatic City of Bremen) Ten-Year 7 percent External Gold Bonds due September 1, 1935", maintained at the office of the aforesaid Guaranty Trust Company of New York, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7267; Filed, June 25, 1951; 8:58 a. m.]

[Vesting Order 17972]

TOKYO ELECTRIC LIGHT CO., LTD.

In re: Bank accounts owned by Tokyo Electric Light Co., Ltd., also known as Tokyo Dento Kabushiki Kaisha, or its successor Kanto Electric Supply Co. F-39-967.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tokyo Electric Light Co., Ltd., also known as Tokyo Dento Kabushiki Kaisha, or its successor Kanto Electric Supply Co., the last known addresses of which are Tokyo, Japan, are corporations, partnerships, associations or other business organizations organized under the laws of Japan and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Tokyo, Japan, and are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a coupon deposit account entitled "Tokyo Electric Light Co., Ltd., First Mortgage 1953 6 Percent Dollar Series", maintained with the aforesaid trust company, together with any and all accruals thereto, and any

and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a coupon deposit account entitled "Tokyo Electric Light Co., Ltd., three year 6 Percent Notes" maintained with the aforesaid trust company, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Tokyo Electric Light Co., Ltd., also known as Tokyo Dento Kabushiki Kaisha, or its successor Kanto Electric Supply Co., the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 31, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7268; Filed, June 25, 1951; 8:58 a. m.]

[Vesting Order 18035]

LAMBERT JOHN ABRAMS ET AL

In re: Interest in bank accounts owned by Lambert John Abrams and others. F-28-18075-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are as follows:

Lambert John Abrams, 41 Mozart Strasse, Wilhelmshaven, Germany.
Johannes Henry Abrams, Germany.
Carl Franz Abrams, Germany.
Maria Helena Abrams, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided four-fifths ($\frac{4}{5}$ ths) interest in that certain debt or other obligation of Citizens and Southern National Bank of South Carolina, 46-48 Broad Street, Charleston, South Carolina, arising out of a savings account, Account No. 24675, entitled "Gerhard Abrams", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. An undivided four-fifths ($\frac{4}{5}$ ths) interest in that certain debt or other obligation of Citizens and Southern National Bank of South Carolina, 46-48 Broad Street, Charleston, South Carolina, arising out of a checking account, entitled "C. B. Schachte for Gerhard Abrams, a National of Germany", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Lambert John Abrams, Johannes Henry Abrams, Carl Franz Abrams and Maria Helena Abrams, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7269; Filed, June 25, 1951;
8:59 a. m.]

[Vesting Order 18040]

CLARA ADOLPHINE JOHANNA AND WERNER
WALTHER LUDDEKE

In re: Debt owing to Clara Adolphine
Johanna Luddeke also known as Clara

Adolphine Johanna Lueddeke and Werner Walther Luddeke also known as Werner Walther Lueddeke. F-28-31470.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Adolphine Johanna Luddeke also known as Clara Adolphine Johanna Lueddeke and Werner Walther Luddeke, also known as Werner Walther Lueddeke, whose last known addresses are Hamburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of George P. Reinberg, 82 Beaver Street, Room 905, New York 5, New York, representing funds collected and received from Fritz Brahm in satisfaction of an indebtedness of said Fritz Brahm to Kurt Lueddeke, deceased, arising from a loan by Kurt Lueddeke, deceased, to said Fritz Brahm with accumulated and unpaid interest thereon, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Clara Adolphine Johanna Luddeke also known as Clara Adolphine Johanna Lueddeke and Werner Walther Luddeke, also known as Werner Walther Lueddeke, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7270; Filed, June 25, 1951;
8:59 a. m.]

[Vesting Order 18052]

MAX ZOPF AND MARIA ZOPF STROBEL

In re: Bank account owned by Max Zopf and Maria Zopf Strobel. F-28-14584-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Zopf, whose last known address is Frankfort/Main-Niedenad, Schwarzwaldstrasse 42, Germany and Maria Zopf Strobel, whose last known address is Frankfort/Main-Niederrad, 28 Waldstrasse, Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Marine Midland Trust Company of New York, 110 William Street, New York, New York, arising out of a savings account, account number 18995 entitled "Estate of Otilie Gessner", and any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Max Zopf and Maria Zopf Strobel, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-7272; Filed, June 25, 1951;
8:59 a. m.]